SECURITY COUNCIL

OFFICIAL RECORDS

FIFTY-THIRD YEAR

SUPPLEMENT FOR JULY, AUGUST AND SEPTEMBER 1998

UNITED NATIONS

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NOTE

Documents of the Security Council (symbol S/...) are normally published in quarterly *Supplements of the Official Records of the Security Council*. The date of the document indicates the supplement in which it appears or in which information about it is given.

The resolutions of the Security Council, numbered in accordance with a system adopted in 1964, are published in yearly volumes of *Resolutions and Decisions of the Security Council*. The new system, which has been applied retroactively to resolutions adopted before 1 January 1965, became fully operative on that date.

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NOTE. The documents listed in bold type are printed in the present supplement. The other documents may be consulted in the Dag Hammarskjöld Library, other United Nations depositary libraries or through the Official Document System. The letters in the subject index column correspond to those in the index on the page following the list and indicate the subject-matter of the documents to which they refer.

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S/1998/769	18 August 1998	d	Letter dated 18 August 1998 from the President of the Security Council to the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (*b*) (i) of Security Council resolution 687 (1991)	Ibid.	
S/1998/770	18 August 1998	u	Letter dated 18 August 1998 from the representative of the Democratic Republic of the Congo to the President of the Security Council		
S/1998/771	18 August 1998	d	Letter dated 18 August 1998 from the representative of Iraq to the Secretary-General		
S/1998/772	**18 August 1998**	**b**	**Letter dated 17 August 1998 from the Secretary-General to the President of the Security Council**		**79**

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S/1998/773	18 August 1998	c	Letter dated 18 August 1998 from the representative of the Libyan Arab Jamahiriya to the President of the Security Council		
S/1998/774	18 August 1998	u	Letter dated 17 August 1998 from the representative of Namibia to the Secretary-General		
S/1998/775	**18 August 1998**	o	**Progress report of the Secretary-General on the situation concerning Western Sahara**		**81**
S/1998/776	**19 August 1998**	m	**Identical letters dated 18 August 1998 from the representative of the Islamic Republic of Iran to the Secretary-General and to the President of the Security Council**		**84**
S/1998/777	**19 August 1998**		**Letter dated 18 August 1998 from the Secretary-General to the President of the Security Council** [concerning the situation in Rwanda]		**85**
S/1998/778	19 August 1998	u	Letter dated 19 August 1998 from the representative of the Democratic Republic of the Congo to the President of the Security Council		
S/1998/779	20 August 1998	i	Letter dated 20 August 1998 from the representative of Turkey to the Secretary-General	Circulated under the double symbol A/52/1019-S/1998/779	
S/1998/780	20 August 1998	v	Letter dated 20 August 1998 from the representative of the United States of America to the President of the Security Council		
S/1998/781	20 August 1998	d	Letter dated 20 August 1998 from the representative of Iraq to the President of the Security Council		
S/1998/782	21 August 1998	d	*Idem*		
S/1998/783 and Add.1	**21 and 25 August 1998**		**Second report of the Secretary-General on the United Nations Mission in the Central African Republic**		**92**
S/1998/784	21 August 1998	u	Letter dated 21 August 1998 from the representative of Rwanda to the President of the Security Council		
S/1998/785	**21 August 1998**		**Identical letters dated 19 August 1998 from the Secretary-General to the President of the General Assembly and to the President of the Security Council** [transmitting a summary statement made at the third meeting between the United Nations and regional organizations]		**97**
S/1998/786	21 August 1998	v	Letter dated 21 August 1998 from the representative of the Sudan to the President of the Security Council		
S/1998/787	24 August 1998	t	Letter dated 22 August 1998 from the representatives of the Russian Federation and Tajikistan to the Secretary-General	Circulated under the double symbol A/53/277-S/1998/787	
S/1998/788	21 August 1998	u	Letter dated 21 August 1998 from the representative of Austria to the Secretary-General		
S/1998/789	21 August 1998	v	Letter dated 21 August 1998 from the representative of Kuwait to the President of the Security Council		

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S/1998/790	21 August 1998	v	Letter dated 21 August 1998 from the representative of Qatar to the President of the Security Council		
S/1998/791	21 August 1998	v	Letter dated 21 August 1998 from the representative of Kuwait to the President of the Security Council		
S/1998/792	23 August 1998	v	Letter dated 22 August 1998 from the representative of the Sudan to the President of the Security Council		
S/1998/793	24 August 1998	v	Letter dated 23 August 1998 from the representative of the Sudan to the President of the Security Council		
S/1998/794	24 August 1998	v	Letter dated 24 August 1998 from the representative of Pakistan to the President of the Security Council		
S/1998/795	**24 August 1998**	**e**	**Letter dated 24 August 1998 from the representatives of the United Kingdom of Great Britain and Northern Ireland and the United States of America to the Secretary-General**		**98**
S/1998/796	**24 August 1998**		**Report of the Secretary-General on the United Nations Civilian Police Mission in Haiti**		**99**
S/1998/797	24 August 1998	d	Letter dated 24 August 1998 from the representative of Iraq to the President of the Security Council		
S/1998/798	24 August 1998	h	Letter dated 18 August 1998 from the representative of the Democratic People's Republic of Korea to the President of the Security Council		
S/1998/799	24 August 1998	d	Letter dated 24 August 1998 from the representative of Iraq to the Secretary-General		
S/1998/800	24 August 1998	v	Letter dated 24 August 1998 from the representative of Kuwait to the President of the Security Council		
S/1998/801	25 August 1998	v	Letter dated 24 August 1998 from the representative of the Sudan to the President of the Security Council		
S/1998/802	25 August 1998	v	Letter dated 25 August 1998 from the representative of Namibia to the President of the Security Council		
S/1998/803	**25 August 1998**	**e**	**Letter dated 25 August 1998 from the representative of the Libyan Arab Jamahiriya to the President of the Security Council**		**103**
S/1998/804	25 August 1998	v	Letter dated 25 August 1998 from the representative of Colombia to the President of the Security Council		
S/1998/805	26 August 1998	e	Letter dated 25 August 1998 from the representative of Ethiopia to the President of the Security Council		
S/1998/806	27 August 1998		Draft resolution [concerning the International Tribunal for the Former Yugoslavia]	Adopted without change; see resolution 1191 (1998)	

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S/1998/807	28 August 1998	f	Letter dated 26 August 1998 from the representative of Austria to the Secretary-General	Circulated under the double symbol A/53/289-S/1998/807	
S/1998/808	**26 August 1998**	**c**	**Letter dated 26 August 1998 from the representative of the Libyan Arab Jamahiriya to the President of the Security Council**		**103**
S/1998/809	27 August 1998	c	United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution	Adopted without change; see resolution 1192 (1998)	
S/1998/810	28 August 1998	m	Costa Rica, France, India, Islamic Republic of Iran, Japan, Kazakhstan, Kenya, Kyrgyzstan, Portugal, Russian Federation, Slovenia, Sweden, Tajikistan, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America and Uzbekistan: draft resolution	Adopted without change; see resolution 1193 (1998)	
S/1998/811	28 August 1998	k	Letter dated 26 August 1998 from the representative of Yugoslavia to the Secretary-General	Circulated under the double symbol A/53/295-S/1998/811	
S/1998/812	28 August 1998	i	Letter dated 26 August 1998 from the representative of Cyprus to the Secretary-General	Circulated under the double symbol A/52/1024-S/1998/812	
S/1998/813	27 August 1998	d	Letter dated 27 August 1998 from the Chairman of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait to the President of the Security Council		
S/1998/814	28 August 1998		Report by the Secretary-General concerning the credentials of the alternate representatives of Sweden on the Security Council		
S/1998/815	28 August 1998	n	Letter dated 26 August 1998 from the representative of Georgia to the President of the Security Council		
S/1998/816	28 August 1998	f	Letter dated 27 August 1998 from the observer of Palestine to the Secretary-General	Circulated under the double symbol A/52/1025-S/1998/816	
S/1998/817	28 August 1998	q	Letter dated 27 August 1998 from the representative of the Islamic Republic of Iran to the Secretary-General		
S/1998/818	28 August 1998	t	Letter dated 28 August 1998 from the President of the Security Council to the Secretary-General	See *Resolutions and Decisions of the Security Council, 1998*	
S/1998/819	31 August 1998	e	Identical letters dated 28 August 1998 from the representative of Eritrea to the Secretary-General and to the President of the Security Council	Circulated under the double symbol A/52/1026-S/1998/819	
S/1998/820	11 September 1998	d	Letter dated 30 August 1998 from the representative of Iraq to the President of the Security Council		
S/1998/821	31 August 1998	m	Letter dated 28 August 1998 from the representative of Uzbekistan to the Secretary-General	Circulated under the double symbol A/52/1027-S/1998/821	
S/1998/822	1 September 1998	s	Letter dated 31 August 1998 from the representative of the Syrian Arab Republic to the Secretary-General	Circulated under the double symbol A/53/299-S/1998/822	

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S/1998/823	**1 September 1998**	**d**	**Report of the Secretary-General pursuant to paragraph 10 of Security Council resolution 1153 (1998)**		**104**
S/1998/824	1 September 1998	u	Letter dated 28 August 1998 from the representative of Austria to the Secretary-General		
S/1998/825	**1 September 1998**	**j**	**Letter dated 1 September 1998 from the representatives of Cape Verde and Côte d'Ivoire to the President of the Security Council**		**115**
S/1998/826	8 September 1998	i	Letter dated 1 September 1998 from the representative of Cyprus to the Secretary-General	Circulated under the double symbol A/52/1028-S/1998/826	
S/1998/827	2 September 1998	u	Letter dated 31 August 1998 from the representative of the Democratic Republic of the Congo to the President of the Security Council		
S/1998/828	2 September 1998	c	Letter dated 31 August 1998 from the representative of Austria to the Secretary-General		
S/1998/829	3 September 1998	d	Letter dated 3 September 1998 from the representative of Iraq to the President of the Security Council		
S/1998/830	3 September 1998	d	*Idem*		
S/1998/831	3 September 1998	m, w	Letter dated 2 September 1998 from the representative of the Islamic Republic of Iran to the Secretary-General	Circulated under the double symbol A/53/317-S/1998/831	
S/1998/832	3 September 1998	i	Letter dated 2 September 1998 from the representative of Turkey to the Secretary-General	Circulated under the double symbol A/52/1030-S/1998/832	
S/1998/833	4 September 1998	j	Letter dated 2 September 1998 from the representative of Austria to the Secretary-General		
S/1998/834 and Add.1	**4 and 21 September 1998**	**g**	**Report of the Secretary-General prepared pursuant to resolution 1160 (1998) of the Security Council**		**117**
S/1998/835	4 September 1998		Letter dated 4 September 1998 from the representative of Japan to the President of the Security Council concerning relations between the Democratic People's Republic of Korea and Japan		
S/1998/836	8 September 1998		Report of the Secretary-General concerning the credentials of the deputy representative of the Russian Federation on the Security Council		
S/1998/837	8 September 1998	d	Letter dated 7 September 1998 from the representative of Iraq to the President of the Security Council		
S/1998/838	**7 September 1998**	**a**	**Report of the Secretary-General on the United Nations Observer Mission in Angola**		**123**
S/1998/839	**8 September 1998**		**Letter dated 8 September 1998 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 199 to the President of the Security Council**		**130**

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S/1998/840	8 September 1998	d	Identical letters dated 6 September 1998 from the representative of Iraq to the Secretary-General and to the President of the Security Council		
S/1998/841	9 September 1998	d	Costa Rica, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution	Adopted without change; see resolution 1194 (1998)	
S/1998/842	9 September 1998		Letter dated 8 September 1998 from the representative of the United Arab Emirates to the Secretary-General concerning the question of Greater Tunb, Lesser Tunb and Abu Musa islands		
S/1998/843	9 September 1998		Note by the President of the Security Council concerning the draft report to the General Assembly	See *Resolutions and Decisions of the Security Council, 1998*	
S/1998/844	10 September 1998	h	Letter dated 9 September 1998 from the representative of the United States of America to the President of the Security Council		
S/1998/845	10 September 1998	e	Letter dated 10 September 1998 from the representative of Austria to the Secretary-General		
S/1998/846	10 September 1998	w	Identical letters dated 10 September 1998 from the representative of the Islamic Republic of Iran to the Secretary-General and to the President of the Security Council	Circulated under the double symbol A/53/360-S/1998/846	
S/1998/847	**11 September 1998**	**a**	**Identical letters dated 11 September 1998 from the representative of Angola to the Secretary-General and to the President of the Security Council**		**131**
S/1998/848	11 September 1998		Letter dated 10 September 1998 from the representatives of the Russian Federation and the United States of America to the Secretary-General transmitting the text of a joint statement by the Presidents	Circulated under the double symbol A/53/371-S/1998/848	
S/1998/849	**11 September 1998**	**o**	**Report of the Secretary-General on the situation concerning Western Sahara**		**132**
S/1998/850	15 September 1998	a	Kenya, Portugal, Russian Federation, Slovenia and United States of America: draft resolution	Adopted without change; see resolution 1195 (1998)	
S/1998/851	15 September 1998	w	Letter dated 15 September 1998 from the representative of Kazakhstan to the Secretary-General	Circulated under the double symbol A/53/388-S/1998/851	
S/1998/852	16 September 1998		Draft resolution [concerning the situation in Africa]	Adopted without change; see resolution 1196 (1998)	
S/1998/853	15 September 1998	l	Letter dated 9 September 1998 from the Secretary-General to the President of the Security Council		
S/1998/854	15 September 1998	l	Letter dated 15 September 1998 from the President of the Security Council to the Secretary-General	See *Resolutions and Decisions of the Security Council, 1998*	
S/1998/855	18 September 1998		Draft resolution [concerning the situation in Africa]	Adopted without change; see resolution 1197 (1998)	

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S/1998/856	16 September 1998	c	Letter dated 15 September 1998 from the representative of the Libyan Arab Jamahiriya to the President of the Security Council		
S/1998/857	**23 September 1998**	**p**	**Note by the Secretary-General**		**135**
S/1998/858	16 September 1998	i	Letter dated 15 September 1998 from the representative of Cyprus to the Secretary-General	Circulated under the double symbol A/53/393-S/1998/858	
S/1998/859	16 September 1998	i	*Idem*	Circulated under the double symbol A/53/394-S/1998/859	
S/1998/860	16 September 1998	m	Identical letters dated 16 September 1998 from the representative of Afghanistan to the Secretary-General and to the President of the Security Council	Circulated under the double symbol A/53/391-S/1998/860	
S/1998/861	18 September 1998		Report of the Secretary-General concerning the credentials of the deputy representative of the United Kingdom of Great Britain and Northern Ireland on the Security Council		
S/1998/862	**16 September 1998**	**r**	**Report of the Secretary-General on the United Nations Mission in Bosnia and Herzegovina**		**136**
S/1998/863	18 September 1998	o	Draft resolution	Adopted without change; see resolution 1198 (1998)	
S/1998/864	17 September 1998	i	Letter dated 16 September 1998 from the representative of Cyprus to the Secretary-General	Circulated under the double symbol A/53/399-S/1998/864	
S/1998/865	17 September 1998		Letter dated 16 September 1998 from the representative of the Democratic People's Republic of Korea to the President of the Security Council concerning relations between the Democratic People's Republic of Korea and Japan		
S/1998/866	17 September 1998		Letter dated 17 September 1998 from the representative of the Democratic People's Republic of Korea to the President of the Security Council concerning relations between the Democratic People's Republic of Korea and Japan		
S/1998/867	17 September 1998		Letter dated 17 September 1998 from the representative of Bosnia and Herzegovina to the President of the Security Council concerning the International Tribunal for the Former Yugoslavia		
S/1998/868	17 September 1998	r	Letter dated 15 September 1998 from the representative of Austria to the Secretary-General		
S/1998/869	17 September 1998	m, w	Letter dated 16 September 1998 from the representative of the Islamic Republic of Iran to the President of the Security Council		
S/1998/870	21 September 1998	e	Letter dated 16 September 1998 from the representative of Eritrea to the President of the Security Council		
S/1998/871	21 September 1998	d	Letter dated 20 September 1998 from the representative of Iraq to the President of the Security Council		

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S/1998/872	21 September 1998	d	Identical letters dated 20 September 1998 from the representative of Iraq to the Secretary- General and to the President of the Security Council		
S/1998/873	21 September 1998	s	Letter dated 14 September 1998 from the Secretary-General to the President of the Security Council		
S/1998/874	21 September 1998	s	Letter dated 21 September 1998 from the President of the Security Council to the Secretary-General	See *Resolutions and Decisions of the Security Council, 1998*	
S/1998/875	22 September 1998	d	Letter dated 21 September 1998 from the representative of Iraq to the Secretary-General		
S/1998/876	**22 September 1998**		**Letter dated 18 September 1998 from the representative of Austria to the President of the Security Council** [concerning the situation in Africa]		**143**
S/1998/877	24 September 1998	d	Letter dated 21 September 1998 from the representative of Iraq to the Secretary-General		
S/1998/878	24 September 1998	d	Letter dated 24 September 1998 from the representative of Iraq to the Secretary-General		
S/1998/879	22 September 1998	v	Letter dated 21 September 1998 from the representative of the Sudan to the President of the Security Council		
S/1998/880	22 September 1998	v	*Idem*		
S/1998/881	22 September 1998	d	Letter dated 21 September 1998 from the representative of Iraq to the Secretary-General		
S/1998/882	23 September 1998	g	France, Germany, Italy, Japan, Portugal, Slovenia, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution	Adopted without change; see resolution 1199 (1998)	
S/1998/883	**22 September 1998**		**Report of the Secretary-General on protection for humanitarian assistance to refugees and others in conflict situations**		**144**
S/1998/884	22 September 1998	j	Letter dated 18 September 1998 from the representative of Nigeria to the President of the Security Council		
S/1998/885	23 September 1998	v	Letter dated 22 September 1998 from the representative of the Sudan to the President of the Security Council		
S/1998/886	23 September 1998	v	*Idem*		
S/1998/887	**23 September 1998**	**k**	**Report of the Secretary-General on the United Nations Police Support Group**		**151**
S/1998/888	24 September 1998	v	Letter dated 23 September 1998 from the representative of the Sudan to the President of the Security Council		
S/1998/889	**24 September 1998**	**d**	**Report of the Secretary-General on the United Nations Iraq-Kuwait Observation Mission for the period from 24 March to 23 September 1998**		**156**

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S/1998/890	24 September 1998		Letter dated 24 September 1998 from the representatives of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America to the Secretary-General transmitting a statement issued by the Ministers for Foreign Affairs		
S/1998/891	25 September 1998	u	Letter dated 23 September 1998 from the representative of Zimbabwe to the President of the Security Council		
S/1998/892	25 September 1998	n	Letter dated 25 September 1998 from the representative of Georgia to the Secretary-General		
S/1998/893	25 September 1998	m	Letter dated 18 September 1998 from the representative of Pakistan to the Secretary-General	Circulated under the double symbol A/53/436-S/1998/893	
S/1998/894	28 September 1998	v	Letter dated 25 September 1998 from the representative of Lebanon to the President of the Security Council		
S/1998/895	29 September 1998	c	Letter dated 25 September 1998 from the observer of the League of Arab States to the President of the Security Council		
S/1998/896	28 September 1998	i	Letter dated 25 September 1998 from the representative of Turkey to the Secretary-General	Circulated under the double symbol A/53/438-S/1998/896	
S/1998/897	**28 September 1998**	**r**	**Letter dated 18 September 1998 from the Secretary-General to the President of the Security Council**		**158**
S/1998/898	28 September 1998	n	Letter dated 28 September 1998 from the representative of Georgia to the Secretary-General		
S/1998/899	29 September 1998	d	Letter dated 25 September 1998 from the representative of Iraq to the Secretary-General		
S/1998/900	30 September 1998	s	Letter dated 25 September 1998 from the representative of Lebanon to the Secretary-General	Circulated under the double symbol A/53/441-S/1998/900	
S/1998/901				Symbol not used	
S/1998/902	29 September 1998	c	Letter dated 28 September 1998 from the representative of South Africa to the President of the Security Council		
S/1998/903	30 September 1998	p	Draft resolution	Adopted without change; see resolution 1200 (1998)	
S/1998/904	15 September 1998	m	Identical letters dated 11 September 1998 from the representative of Afghanistan to the Secretary-General and to the President of the Security Council	Circulated under the double symbol A/53/397-S/1998/904	
S/1998/905	30 September 1998	m	Letter dated 28 September 1998 from the representative of Austria to the Secretary-General	Circulated under the double symbol A/53/446-S/1998/905	
S/1998/906	30 September 1998	d	Letter dated 30 September 1998 from the representative of Iraq to the Secretary-General		
S/1998/907				See *Supplement for October, November and December 1998*	
S/1998/908				Ibid.	

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S/1998/909				Ibid.	
S/1998/910				Ibid.	
S/1998/911	29 September 1998	v	Letter dated 29 September 1998 from the representative of the Sudan to the President of the Security Council		
S/PRST/1998/19-30	2, 13, 14 and 30 July, 6, 24 and 31 August and 15, 16, 24 and 29 September 1998		Statements by the President of the Security Council	See *Resolutions and Decisions of the Security Council, 1998*	

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to matters discussed by the Security Council or brought before it during the period covered by the present supplement

a The situation in Angola

b The situation in Sierra Leone

c Letters dated 20 and 23 December 1991, from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America

d The situation between Iraq and Kuwait

e The situation between Eritrea and Ethiopia

f The situation in the occupied Arab territories

g Letters dated 11 March 1998 from the United Kingdom of Great Britain and Northern Ireland and 27 March1998 from the United States of America

h Communications concerning the question of Korea

i The situation in Cyprus

j Communications concerning the situation in Guinea-Bissau

k The situation in Croatia

l The situation in the former Yugoslav Republic of Macedonia

m The situation in Afghanistan

n The situation in Georgia

o The situation concerning Western Sahara

p International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Such Violations Committed in the Territory of Neighbouring States

q Communications concerning the situation between the Islamic Republic of Iran and Iraq

r The situation in Bosnia and Herzegovina

s The situation in the Middle East

t The situation in Tajikistan and along the Tajik-Afghan border

u The situation concerning the Democratic Republic of the Congo

v Threats to peace and security caused by international terrorist acts

w Communications concerning the situation between Afghanistan and the Islamic Republic of Iran

DOCUMENT S/1998/486/ADD.1

Fifth report of the Secretary-General on the situation in Sierra Leone

[*Original: English*]
[*1 July 1998*]

1. As indicated in paragraph 67 of my main report, dated 9 June 1998 [*S/1998/486*], I wish to inform the Security Council of the estimated cost of establishing the United Nations Observer Mission in Sierra Leone (UNOMSIL). It is estimated that the total cost for an initial six-month period would amount to some $18.3 million gross, inclusive of some $1.4 million relating to the strengthening of the office of my Special Envoy in Freetown for the period beginning 17 April 1998. The estimated requirements consist of some $5.9 million of non-recurrent costs and recurrent costs equivalent to a monthly rate of some $2.1 million.

2. The cost estimates for the Observer Mission provide for the deployment of a total of 186 military and civilian personnel consisting of 70 military observers, a 15-person medical unit, 5 civilian police advisers, 48 international civilian personnel and 48 locally recruited staff.

3. A breakdown of the estimated requirements by main categories of expenditure is provided for information purposes, in the annex to the present addendum.

4. It would be my recommendation to the General Assembly, should the Security Council decide to establish UNOMSIL, that the related costs should be considered an expense of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations and that the assessments to be levied on Member States should be credited to a special account to be established for that purpose.

ANNEX

Cost estimates for the establishment of the United Nations Observer Mission in Sierra Leone for an initial six-month period

(Thousands of United States dollars)

1. Military personnel costs	3 020
2. Civilian personnel costs	5 410
3. Premises/accommodation	410
4. Infrastructure repairs	90
5. Transport operations	1 550
6. Air operations	1 270
7. Naval operations	460
8. Communications	4 030
9. Other equipment	1 050
10. Supplies and services	390
11. Election-related supplies and services	–
12. Public information programmes	–
13. Training programmes	–
14. Mine-clearing programmes	–
15. Assistance for disarmament and demobilization	–
16. Air and surface freight	170
17. United Nations Logistics Base, Brindisi	–
18. Support account for peacekeeping operations	–
19. Staff assessment	470
Total, lines 1–19	**18 320**

DOCUMENT S/1998/608

Report of the Secretary-General prepared pursuant to resolution 1160 (1998) of the Security Council

[*Original: English*]
[*2 July 1998*]

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1160 (1998) of 31 March 1998. It covers the period since my last report of 4 June 1998 [*S/1998/470*].

II. Security Council Committee established pursuant to resolution 1160 (1998)

2. As at 30 June 1998, the following 43 States had reported to the Committee, pursuant to paragraph 12 of resolution 1160 (1998) on the steps they had taken to give effect to the

prohibitions imposed by the resolution: Armenia, Australia, Austria, Bahrain, Belarus, Belgium, Brazil, Bulgaria, Cyprus, Czech Republic, Fiji, Finland, France, Hungary, Iran (Islamic Republic of), Italy, Japan, Kenya, Latvia, Lithuania, Malaysia, Malta, Monaco, New Zealand, Norway, Poland, Portugal, Romania, Saudi Arabia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America and Uruguay.

III. Comprehensive regime to monitor the implementation of the prohibitions imposed by Security Council resolution 1160 (1998)

3. In my last report [*ibid.*] dated 4 June 1998, I informed the Security Council that, in the light of the response from the Chairman-in-Office of the Organization for Security and Cooperation in Europe (OSCE) dated 1 June 1998 and in accordance with the provisions of paragraph 15 of Security Council resolution 1160 (1998), I had written to the Secretary-General of the North Atlantic Treaty Organization (NATO), the Presidency of the European Union (EU), the Secretary-General of the Western European Union (WEU) and the Executive Director of the Danube Commission with a view to exploring their readiness to participate in the comprehensive regime and to submit to me, on the basis of information that may be available to them, reports on suspected violations of the prohibitions imposed by the resolution for consideration by the Security Council Committee established pursuant to resolution 1160 (1998).

4. As at 30 June, I had received an interim reply from the Secretary-General of NATO dated 11 June, as well as replies from the Secretary-General of WEU dated 18 June, the Acting President and the Secretary of the Danube Commission dated 23 June 1998 and the Presidency of the European Union dated 30 June 1998. The full text of those replies is annexed to the present report (annexes I–IV).

5. The Secretary-General of NATO informed me that a study by the NATO Military Authorities on possible support for the monitoring regime would be completed shortly, and, once it had been considered by the North Atlantic Council, the Secretary-General would contact me again. He stated that in the meantime, the NATO-led Stabilization Force (SFOR) in Bosnia and Herzegovina was using its authority under annex 1-A of the 1995 Peace Agreement to step up its efforts, within the existing mission and capabilities, to monitor the Bosnian border with the Federal Republic of Yugoslavia to prevent the transfer of weapons. He expressed the readiness of NATO to share SFOR findings with the United Nations.

6. WEU expressed its readiness to provide any useful information that comes to its notice on the implementation of the measures imposed by resolution 1160 (1998), in particular through its Multinational Advisory Police Element (MAPE) established in Albania at the request and with the cooperation of the Albanian authorities. WEU also stated that it was in the process of considering its role with regard to the very serious developments in Kosovo and their implications for regional stability. While seeking further information on the nature of a comprehensive regime for enforcement of the prohibitions contained in resolution 1160 (1998), WEU expressed its interest in taking any relevant action in full transparency and partnership with other organizations, including EU and NATO, and in agreement with the neighbouring countries on whose territories any relevant operation would take place.

7. The Danube Commission stated that in the event that OSCE or another international organization should offer the framework for coordinating the monitoring under resolution 1160 (1998), the Commission would be prepared to contribute, within the areas of its competence and expertise, to the accomplishment of this task through its support and advice concerning navigation on the Danube and the facilitation of transit of vessels, goods and passengers in compliance with resolution 1160 (1998). At the same time, the Commission suggested that a well-defined mechanism should be devised in due course to deal with cooperation between the authorities responsible for conducting inspections under the sanctions system and organizations and representatives of the shipowners, shippers and consignees of goods on the Danube.

8. The Presidency of EU welcomed my initiative to seek its views, as well as those of other organizations, on the enforcement of Security Council resolution 1160 (1998). The member States of EU agreed to assist the Committee established pursuant to paragraph 9 of Security Council resolution 1160 (1998) by providing information on the action taken by them to implement the resolution and by making available information on alleged violations of the arms embargo. The Presidency also expressed the readiness of EU members to contribute to international efforts to monitor the embargo by asking the European Community Monitoring Mission (ECMM) to report to the Committee any relevant information on the movement of arms that should come into its possession as a result of its operations in Albania, Bosnia, Croatia, the Federal Republic of Yugoslavia and the former Yugoslav Republic of Macedonia. EU is seeking a significant increase in the number of monitors in the Federal Republic of Yugoslavia/Kosovo, in line with President Milosevic's undertaking in Moscow on increased international monitoring, and has increased the number of its monitors in northern Albania. The monitors would be tasked to be alert for any evidence relevant to the implementation of resolution 1160 (1998).

9. I will submit my recommendation, as required in paragraph 15 of the above-mentioned resolution once I have received all necessary information.

IV. Situation in Kosovo

10. As the Council is aware, the situation in Kosovo has deteriorated significantly since the submission of my last report. A new outbreak of violence in early June led to an influx of refugees to Albania and to an increase in internally displaced persons in Kosovo and Montenegro.

The number of registered refugees in Albania at the end of June was 6,900. In addition, an estimated 3,150 have departed to southern Albania. It is estimated, however, that there may be as many as 13,000 refugees more in Albania. As of 19 June, the Montenegrin authorities had registered another 10,177 internally displaced persons from Kosovo. According to estimates of the Office of the United Nations High Commissioner for Refugees (UNHCR), some 45,000 people have been displaced within Kosovo itself. UNHCR is unable to assess the situation on the ground more precisely, since it cannot gain access to the affected areas.

11. Anticipating that further deterioration of the situation might lead to a major humanitarian and refugee crisis in the area, United Nations agencies expanded their activities in the region. In addition to the UNHCR office in northern Albania, the World Food Programme (WFP) also opened an emergency office there on 17 June. UNHCR continues to lead inter-agency contingency planning in the region. On 15 June, the Office of the Coordinator for Humanitarian Affairs, the United Nations Development Programme (UNDP), the United Nations Children's Fund (UNICEF), UNHCR, WFP and the World Health Organization (WHO) launched the consolidated inter-agency flash appeal for humanitarian assistance needs related to the Kosovo crisis: 1 June–31 August 1998. The appeal is aimed at obtaining US$ 18 million for multisectoral assistance for the United Nations system, of which UNHCR is seeking US$ 12.9 million. Coordinating mechanisms are operating in Pristina, Belgrade, Podgorica, Tirana and Skopje. WFP is stockpiling food in Pristina – rations are now sufficient to feed 35,000 for one month. In northern Albania, WFP is ready to start distribution of 500 tons of food assistance, which would cover existing needs until September.

12. In its resolution 1160 (1998), the Security Council requested me to keep it regularly informed on the situation in Kosovo and to provide an assessment of whether the Federal Republic of Yugoslavia had complied in a constructive manner with conditions put forward by the Contact Group. By the time of writing of the present report, I had received the relevant information from the Chairman-in-Office of OSCE, which I attach in annex V.

V. Observations

13. The international community is appalled by the continued violence in Kosovo. The parties concerned must demonstrate restraint and resume negotiations to find a peaceful solution to the conflict. I am increasingly concerned that, unless hostilities in Kosovo are stopped, tensions could spill across borders and destabilize the entire region. Kosovo therefore becomes a key issue for the overall stability of the Balkan region. I welcome the diplomatic efforts being made at the international level to address fundamental aspects of the situation which can only be resolved through negotiation.

14. It has been widely reported that authorities of the Federal Republic of Yugoslavia have agreed to allow foreign diplomats and accredited international organizations in Belgrade to monitor the situation in Kosovo. The process of establishing that monitoring presence is reportedly under way. Such a monitoring mission would improve the ability of the international community to assess directly the situation on the ground and could better serve the desire of the international community and the Security Council for impartial and substantive information regarding Kosovo. Should this come about, the Council may wish to review the continued need for reporting by the United Nations on the situation in Kosovo, as requested in paragraph 14 of resolution 1160 (1998), in view of the absence of a United Nations presence in Kosovo to provide an independent assessment of that situation.

ANNEX I

Letter dated 11 June 1998 from the Secretary-General of the North Atlantic Treaty Organization to the Secretary-General

Thank you for your letter of 4 June 1998 in which you sought the views of the North Atlantic Treaty Organization (NATO) on the establishment of a comprehensive monitoring regime for the prohibitions imposed on the Federal Republic of Yugoslavia by Security Council resolution 1160 (1998) of 31 March 1998.

As I informed you in my letter of 29 May, the North Atlantic Council has tasked the NATO Military Authorities to study possible support for the monitoring regime. This study will be completed shortly, and I will write to you again once it has been considered by the North Atlantic Council.

In the meantime, the NATO-led Stabilization Force (SFOR) in Bosnia and Herzegovina is using its authority under annex 1-A of the 1995 Peace Agreement to step up its efforts, within the existing mission and capabilities, to monitor the Bosnian border with the Federal Republic of Yugoslavia to prevent the transfer of weapons. We are making the necessary arrangements to forward any information on suspected violations in the SFOR area of operations to NATO headquarters for onward transmission to the Secretariat, via the monthly SFOR reports or on an ad hoc basis as necessary.

(*Signed*) Javier Solana

ANNEX II

Letter dated 18 June 1998 from the Secretary-General of the Western European Union to the Secretary-General

I have the honour to thank you for your letter of 4 June in pursuance of Security Council resolution 1160 (1998) of 31 March 1998, which I have drawn to the attention of the Permanent Council. I am now replying on the Council's behalf.

The Western European Union (WEU) welcomes your initiative to include our organization in your consultations on this important matter. WEU has repeatedly made clear its readiness to act in support of and – as appropriate – under mandates from the United Nations, as well as the Organization for Security and Cooperation in Europe.

At present, as you know, the only mission being conducted by WEU in the region concerned is the Multinational Advisory Police Element (MAPE) established in Albania at the request and with the cooperation of the Albanian authorities. MAPE is a training and advisory mission whose mandate includes assistance with the training of all Albanian police forces and advice on their future organization; its activities thus contribute to the

development of the capacity of the Albanian authorities themselves, *inter alia*, for implementation of the embargo. WEU is ready to provide immediately, by the appropriate means, any useful information that comes to its notice on the conditions of implementation of the embargo.

WEU shares your concern for the effective implementation of resolution 1160 (1998). As indicated in the declaration recently adopted by our Ministers at their meeting in Rhodes, we are in the process of considering the role of our organization in relation to the very serious developments in Kosovo and their implications for regional stability. To make sure that the WEU Council can include in its deliberations any possible practical contributions that might be appropriate for us in that context, we would be happy to receive further information or proposals on the nature of a "comprehensive monitoring regime" for enforcement, as mentioned in your letter. I might add that we would expect to take any relevant action in full transparency and partnership with other institutions, including the European Union and the North Atlantic Treaty Organization, and in agreement with the neighbouring countries on whose territory any relevant operations would take place.

(*Signed*) Jose CUTILEIRO

ANNEX III

Letter dated 23 June 1998 from the Acting President and the Secretary of the Danube Commission to the Secretary-General

Allow us to thank you for your letter of 4 June 1998, in which you included the Danube Commission in the consultations pursuant to paragraph 15 of Security Council resolution 1160 (1998) of 31 March 1998, thus recognizing the role of our international intergovernmental organization in the Danube region.

One of the main tasks of the Danube Commission is to ensure implementation of the provisions of the Convention concerning the regime for navigation on the Danube, which provide that "navigation on the Danube shall be free and open for the nationals, vessels of commerce and goods of all States, on a footing of equality". Hence the Danube Commission believes that any monitoring system to be established under the above-mentioned resolution and to be operated by the appropriate institutions must respect this fundamental principle of navigation on the Danube, which is based on international law and recognized by the entire international community.

Without prejudice to the provisions of resolution 1160 (1998), which must be applied in full, or to the Charter of the United Nations, it must be ensured that, when sanctions are applied by the United Nations, the interests of "innocent and neutral" transit navigation on the Danube of countries that are not the object of the sanctions are respected and protected. Not only is this navigation essential to the economies of the landlocked Danubian countries, it is also important for some 40 nations that use the Danube each year as a major European waterway.

In the event that the Organization for Security and Cooperation in Europe (OSCE) or another international organization should offer the framework for coordinating the monitoring, the Danube Commission would be prepared to contribute, within the areas of its competence, to the accomplishment of this task through its support and advice concerning navigation on the Danube and the facilitation of "innocent" transit of vessels, goods and passengers. To the extent that a control system becomes inevitable, the Danube Commission hopes that the institutions responsible for this task will take advantage of the experience of the experts of the Commission and the Danubian countries in matters related to navigation on the Danube.

At the same time, a well-defined mechanism should be devised in due course to deal with cooperation between the authorities responsible for conducting inspections under the sanctions system and organizations and representatives of the shipowners, shippers and consignees of goods on the Danube.

If the implementation of such a monitoring system causes losses to the navigation on the Danube of countries that are not the object of the sanctions but experience their consequences, a mechanism for compensating for those losses should be devised as soon as possible.

(*Signed*) Felix P. BOGDANOV
Secretary of the Danube Commission and
Representative of the Russian Federation
on the Danube Commission

(*Signed*) Petru CORDOS
Acting President of the Danube Commission and
Representative of Romania on the Danube Commission

ANNEX IV

Letter dated 30 June 1998 from the Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom of Great Britain and Northern Ireland to the Secretary-General

Thank you for your letter of 4 June, addressed to me in my capacity as President of the European Union, seeking the views of the States members of the European Union on the establishment of a regime to monitor the arms embargo on the Federal Government of Yugoslavia imposed by Security Council resolution 1160 (1998).

The European Union welcomes your initiative in seeking its views, as well as those of other regional organizations, on the enforcement of Security Council resolution 1160 (1998), the aim of which we strongly support. The States members of the European Union have agreed to assist the committee established under paragraph 9 of resolution 1160 (1998) in its work by providing information on the action taken by member States to implement the resolution and by making available to the Committee any information available to member States on alleged violations of the embargo. I have asked member States to pool such information so that the Presidency of the day can pass this on to the committee.

The EU and its member States also stand ready to contribute to international efforts to monitor the embargo by asking the European Community Monitoring Mission (ECMM) to report to the Sanctions Committee any relevant information on the movement of arms that should come into its possession as a result of its operations in Albania, Bosnia, Croatia, the Federal Republic of Yugoslavia and the former Yugoslav Republic of Macedonia.

The European Union is seeking a significant increase in the number of monitors in the Federal Republic of Yugoslavia/Kosovo, in line with President Milosevic's undertaking in Moscow on increased international monitoring. The European Union has also increased the number of its monitors in northern Albania. The European Union will ensure that its monitors are tasked to be alert for any evidence relevant to implementation of resolution 1160 (1998). The European Union would also be willing to consider any further proposals from the Secretary-General or other regional organizations on a monitoring regime.

Robin COOK

ANNEX V

Information on the situation in Kosovo and on measures taken by the Organization for Security and Cooperation in Europe, submitted pursuant to paragraphs 13 and 16 of Security Council resolution 1160 (1998)

I. INTRODUCTION

The further deterioration of the situation in Kosovo and along the border between the Federal Republic of Yugoslavia and Albania since the May report to the Secretary-General has prompted the Contact Group to impose a package of economic sanctions on both the Federal Republic of Yugoslavia and Serbia to induce them to seek a political solution to the problem. For its part, the North Atlantic Treaty Organization (NATO) produced an ar-

ray of crisis scenarios, and on 15 June staged a display of air power in the airspace of Albania and the former Yugoslav Republic of Macedonia, along the border with Kosovo.

II. The dialogue

On 15 May in Belgrade, President Milosevic and Dr. Rugova agreed on weekly working contacts between the two sides. However, so far only one such meeting has been held, in Pristina (on 22 May). The Albanian side contended that the military-cum-police operation unleashed on south-west Kosovo by Belgrade in late May and the whole of June precluded its participation in further meetings of this kind.

Those of the Kosovo Albanians who do not count among the supporters of Rugova's policy line have made known their displeasure with his meeting with Milosevic. Representatives of the so-called Kosovo Liberation Army (KLA) have strongly reiterated their direct objective, namely, the independence of Kosovo.

By 16 June 1998, no signs had emerged of a possibility of resumption of the Belgrade-Pristina dialogue. The issue was taken up during the Milosevic-Yeltsin meeting in Moscow on 16 June.

The two sides to the Kosovo conflict have had numerous contacts over the past month with representatives of foreign countries visiting Yugoslavia, and also with diplomats posted in Belgrade. Dr. Rugova has visited the United States of America, Italy and France and has met with the Secretary-General of the United Nations.

III. Violence

A further deterioration of the situation was recorded in Kosovo soon after the Milosevic-Rugova meeting, notably in the Yugoslav-Albanian borderland and along the Pec–Dechani, Djakovica–Prizren and Pristina–Pec highways. Serious armed clashes were noted in those areas.

The wholesale destruction visited upon the Albanian villages in the process sent consecutive waves of refugees streaming out of the area. Casualty figures released by both sides differ considerably. The Serbs maintain that their actions had a purely anti-terrorist character and claim only a "negligible" number of victims, while the Albanians insist scores have been killed (no credible data about the number of victims are available, but some unofficial sources indicate there might be over 200 dead). Many observers agree that the range and scope of combat operations validates the contention that a guerrilla war is now under way in Kosovo.

More people these days are prepared to cross illegally into the war-torn Yugoslav province from Albania, and contraband weapons are pouring into Kosovo, brought there by armed groups of ethnic Albanians.

The media quote the Belgrade office of the Office of the United Nations High Commissioner for Refugees to the effect that the combat operations in Kosovo have displaced 30,000 to 40,000 Albanians, who have now established temporary residence in other parts of the province or left for Albania (around 12,000) or Montenegro. On the other hand, there has been no confirmation of the earlier Albanian reports of their countrymen streaming into the former Yugoslav Republic of Macedonia. The Serbians argue that the Albanians overstate the facts and inflate the figures, but they do not counter them with their own information.

In the opinion of A. Demaci, Chairman of the Parliamentary Party of Kosovo, carried by the media in early June, the Kosovo Liberation Army allegedly controlled an area of 3,000 square kilometres, including some 250 villages, with a total population of 700,000 to 800,000, most of them in the Drenica region.

IV. Education

Serb students and professors in Pristina do not agree to hand over to the Albanian side a part of the premises of the local university. A student demonstration was recently dispersed by the police, while the Serb educational authorities made a hasty decision to end the academic year ahead of schedule.

V. Access to Kosovo

The armed clashes resulted in a temporary closure in May and June of the Pristina–Pec and Pec–Decani–Djakovica–Prizren sections of the highway, with telecommunication lines severed partially within this area and a news blackout of several days imposed by the authorities. Instances of Serb troops stopping food transports and other supplies being sent from the north to Kosovo have been noted. In early June, the Serb side regained control over the aforesaid sections of the highway, which were then reopened to traffic.

Members of the KLA stop travellers in KLA-controlled areas (notably in the Drenica region), check their identification documents and often confiscate items they find of use. For instance, Japanese and American television crews were relieved of their bullet-proof vests.

The Ministry of Foreign Affairs of the Federal Republic of Yugoslavia, on 7 June, conducted a tour of Kosovo for diplomats posted in Belgrade, who reported on the widespread destruction of housing in the now-abandoned villages affected by the hostilities at the end of May/beginning of June. However, those diplomats did not confirm the allegations of some Kosovo Albanians that the Serb authorities had subjected the area to heavy artillery and aerial bombardment.

VI. Risks of spillover

According to the reports of the OSCE presence in Albania, the situation on the Albanian border with Kosovo remains volatile. There has been almost daily military activity in western Kosovo since the end of May, causing large-scale displacement of civilians. Over 10,000 of them have fled to Albania, most of them women, children and the elderly. The violence has caused a drastic increase in militancy on both sides of the border. Armed resistance has become very visible, including cross-border movement of arms and men. Border incidents have increased, pointing to efforts on the part of the Federal Republic of Yugoslavia to clamp down on this movement. Recent incidents also involved border violations. There is increasing evidence of mines being laid, and there have also been a number of accounts from refugees of detention of men of military age.

The refugees have been accommodated by the local population in the border region, the poorest part of Albania. For the moment, their immediate needs are being met, but the totally inadequate infrastructure makes the long-term outlook grim.

Politically, the conflict causes problems for the Government in Tirana, in that it must take into account both national sentiments of indignation and solidarity, echoed by the opposition, and international calls for restraint.

The overriding priority is to secure an early end to the fighting, followed by the deployment of a large-scale international monitoring force. This would not only enable a meaningful dialogue to take place, but also facilitate an early return of the refugees.

The OSCE mission in Skopje reports that "spillover" from the current crisis in Kosovo in the territory of the former Yugoslav Republic of Macedonia may take physical form (movement of individuals whether seeking refuge privately or coming as refugees) or political form (an adverse effect on ethnic relations in local politics). Hitherto the risks of physical "spillover" have been contained: there have been no refugees and no identifiable net inflow based on family ties; border areas are stable and calm, with life proceeding normally, albeit with increased anxiety among the local population; and there has been no serious incident, in recent months, on the country's border with Kosovo and the rest of Serbia, with reduced smuggling and illegal crossings. Any significant number of Kosovars arriving would be resented by the majority population. The key to continuing stability remains the policy approach of the Yugoslav border authorities on the northern side of the border. Should similar operations be launched to those in the Decani area, movement of refugees would be very likely, but the area has traditionally been relatively quiet.

In terms of risks of political "spillover", ethnic Albanian demonstrations in Skopje and other towns, showing solidarity with Kosovars and voicing

support for the KLA, although peaceful, have caused disquiet and resentment among the ethnic Macedonian population, complicating the political scene, which is otherwise dominated by forthcoming parliamentary elections.

VII. Measures taken by the Organization for Security and Cooperation in Europe

Kosovo continues to be in the forefront of OSCE activities. It has become one of the priorities of its Chairmanship.

The latest developments in Kosovo have clearly demonstrated the necessity of participation by international organizations in solving the humanitarian problems in the region as well. This is why the OSCE Permanent Council stressed on 4 June the importance of free access for the International Committee of the Red Cross and other humanitarian organizations to the areas affected by fighting. The major influx of refugees arriving in Albania from Kosovo is being observed by OSCE.

At the end of May, the Chairman of the Parliamentary Assembly of OSCE, Mr. Javier Ruperez, visited the Federal Republic of Yugoslavia for talks in Belgrade and Pristina. He did not register any change in the position of the Federal Republic of Yugoslavia vis-à-vis the Gonzalez mission or a prospective OSCE mission, including one in Kosovo.

OSCE has developed relatively modest but effective monitoring capabilities in Albania. The Organization decided on 4 June to increase the number of OSCE monitors on Albania's border with Kosovo to 30.

Addressing the Central Europe Initiative meeting in Brioni on 6 June, the OSCE Chairman-in-Office came forward with the idea of a special status for Kosovo. In his opinion, it should be elaborated through the dialogue between the authorities of the Federal Republic of Yugoslavia and Kosovo Albanians. He suggested that a round table dialogue concentrating on special status for Kosovo would help resolve the dichotomy between independence and autonomy. This could be helpful in moving away from political rhetoric and turning to concrete matters, such as the functioning of legislative and executive powers there, assuring local identity, development of local government and education.

On 11 June, the Chairman-in-Office condemned violence by either side in the strongest possible terms and urged an immediate cessation of hostilities. He expressed his deep concern about the continued flow of refugees driven across the border into Albania by the violence. He called on the Belgrade authorities to facilitate the return of displaced persons and refugees.

In his address to the Permanent Council in Vienna on 17 June, the Chairman-in-Office stated that a political solution to the crisis required not only that hostilities in Kosovo be stopped and talks resumed, but also that democracy and full respect for human rights and minorities be introduced in the Federal Republic of Yugoslavia, and that the participation of that country in international organizations, including OSCE, be ensured once it applies international standards to its behaviour. The Chairman-in-Office repeated that the OSCE platform for a political solution is still available and that the Organization would be ready to dispatch a mission to Kosovo without delay, if and when it proved to be possible.

In his letter of 19 June to President Milosevic, the Chairman-in-Office showed interest in the suggestion by the Federal Republic of Yugoslavia to hold talks with OSCE on the acceptance of the OSCE mission in Kosovo and on the participation of the Federal Republic of Yugoslavia in OSCE (this proposal was made by the Yugoslav side after the Milosevic-Yeltsin talks in Moscow on 16 June and included in the joint statement).

DOCUMENT S/1998/617

Letter dated 8 July 1998 from the representative of Croatia to the President of the Security Council

[*Original: English*]
[*8 July 1998*]

Further to my letter of 18 June 1998, annexing the Croatian draft text for an agreement between the Republic of Croatia and the Federal Republic of Yugoslavia proposing a permanent solution to the security issue of Prevlaka [*S/1998/533*], I have the honour to inform you of the following additional views of my Government.

Croatia welcomes the findings of the Secretary-General, as recorded in his report on the United Nations Mission of Observers in Prevlaka [*S/1998/578*], that the situation in the Prevlaka area remains stable and that tensions on both sides of the border have been substantially reduced. In particular, Croatia appreciates the Secretary-General's call to the parties to make use of the current situation and to engage in substantive talks towards the resolution of the Prevlaka issue.

Croatia is encouraged by the first positive public reactions to its proposal by the Montenegrin authorities. Croatia views these reactions as conducive to a more constructive approach for improving cooperation and resolving the remaining bilateral issues. Such an approach contributes to building a realistic framework for negotiations, based on principles of international law, especially the principle of inviolability of international borders.

Croatia looks forward to proceeding expeditiously with bilateral negotiations with a view to resolving the security issue of Prevlaka permanently. In this regard, it welcomes the recently expressed preparedness of the Federal Republic of Yugoslavia to embark immediately upon negotiations in respect of this matter, as expressed in the letter of the Prime Minister of the Federal Republic of Yugoslavia, Mr. Momir Bulatovic, to the President of the Security Council [*S/1998/593*].

The letter nominally supports bilateral negotiations, but it also implies negotiations on changing internationally recognized borders. This approach, which disregards the principle of the inviolability of borders, remains unacceptable not only to Croatia, but also appears dangerous to security and stability prospects elsewhere in the region. Furthermore, it stands in sharp contrast with the relevant Security Council resolutions on the Prevlaka issue adopted under the agenda item entitled "The situation in Croatia", which reaffirmed the sovereignty and territorial integrity of the Republic of Croatia. In any new resolution on this topic, the Security Council should be even more explicit, making it quite clear that Prevlaka is exclusively a security and not a territorial issue.

Allegations contained in the letter about the character of violations of the United Nations zones in Prevlaka are in sharp contrast with the Secretary-General's report, which is an objective and reliable source. The occasional entry of civilians into the United Nations monitored area does not constitute a threat to the population of Herceg Novi and Boka Kotorska. The efforts of the local population merely

reflect their impatience to resume their normal activities of fishing and farming now that the situation is stable and that tensions on both sides of the border have been substantially reduced.

My Government has formally embarked upon the resolution of the Prevlaka issue in good faith and in a transparent manner. The resolution process would doubtless be fostered further if the Security Council, in the course of its forthcoming consideration of the United Nations Mission of Observers in Prevlaka (UNMOP), provided an efficient incentive for expediting bilateral negotiations. Such a step would emphasize the interests of the international community in achieving much needed sustainable stability in this part of Europe and the release of United Nations resources to areas of more pressing concern.

May I ask for your kind assistance in distributing the present letter as a document of the Security Council.

(*Signed*) Ivan SIMONOVIC
Permanent Representative of Croatia
to the United Nations

DOCUMENT S/1998/619

Letter dated 8 July 1998 from the Secretary-General to the President of the Security Council

[*Original: English*]
[*9 July 1998*]

In resolution 1172 (1998), adopted on 6 June 1998, the Security Council condemned the nuclear tests conducted by India on 11 and 13 May 1998 and by Pakistan on 28 and 30 May 1998 and set out a number of steps to be taken by the two countries. The Council requested me to report urgently on the implementation of those steps by the two countries, while welcoming my own efforts to encourage them to enter into a dialogue.

Ever since India's 11 May tests, I have been in frequent contact with representatives of the Governments of India and Pakistan at the highest levels, as well as through other channels, including their Permanent Representatives to the United Nations, by letter, telephone and personally. In these contacts, I have expressed my acute concern at the alarming consequences of these tests and have urged both Governments to enter into a dialogue in order to reduce the increased tensions in the region. I have also appealed to both Governments to adhere, without conditions and without delay, to the Comprehensive Nuclear-Test-Ban Treaty and to consider freezing their nuclear weapons and missile development programmes. Furthermore, I have advised India and Pakistan of my readiness to support any efforts conducive to successful negotiations on nuclear non-proliferation and nuclear disarmament.

In the context of my ongoing efforts to encourage India and Pakistan to enter into dialogue, which were welcomed by the Council in paragraph 6 of resolution 1172 (1998), the Assistant Secretary-General for Political Affairs, Alvaro de Soto, travelled to the South Asian region on 24 June carrying letters to Heads of Governments, in order to raise with them, on my behalf, the above-expressed concerns, as well as the possibility that I might visit the region, at the appropriate time. He visited Bangladesh, where he met Prime Minister Sheikh Hasina, who had recently called on the Prime Ministers of India and Pakistan in New Delhi and Islamabad, and with the Minister for Foreign Affairs, Abdus Samad Azad. He subsequently conferred with Prime Minister Mohammed Nawaz Sharif of Pakistan as well as the Minister for Foreign Affairs, Gohar Ayub Khan. Finally, in Sri Lanka, host of the forthcoming summit of the South Asian Association for Regional Cooperation, he was received by the Minister for Foreign Affairs, Lakshman Kadirgamar. Regrettably, the Government of India did not find it possible to receive Mr. de Soto during his mission, which was concluded at the end of last week.

Mr. de Soto's contacts with regional leaders, while not as complete as would have been desirable, nevertheless confirmed my concern that the new situation which had emerged following the developments of May, compounding as it does the long-standing causes of friction between India and Pakistan, may have serious implications for peace and security in the region and beyond and therefore needs to be addressed in earnest. It is my intention, therefore, to continue my efforts with a view to encouraging the commencement of substantive talks between the two Governments at the earliest possible date. In this connection, I have been encouraged by indications from both sides of their readiness to enter into a dialogue addressing peace and security matters and causes of tension, including Kashmir.

In paragraph 15 of resolution 1172 (1998), the Security Council requested me to report urgently on the steps taken by India and Pakistan to implement that resolution. Immediately after the adoption of the resolution, in a press statement issued by the official spokesman of the Ministry of External Affairs of India on 6 June 1998 and in a statement to the Security Council by the Permanent Representative of Pakistan on the same date, both Governments expressed reservations about different aspects of the resolution. However, in subsequent communications and statements, both Governments have offered suggestions relevant to various provisions of resolution 1172 (1998). Specifically, the Prime Minister of India, Mr. Atal Behari Vajpayee, addressed a letter to me on 30 June 1998 drawing my attention to a "number of proposals" made by India. On 2 July, the Permanent Representative of Pakistan wrote to me setting out in an annex to his letter "Pakistan's position and proposals" [*S/1998/605*]. Similar

proposals were conveyed by the Acting Foreign Secretary of Pakistan to Mr. de Soto in Islamabad on 28 June. In addition, the following documents and statements are also relevant to the subject matter:

- Letter from the representative of the Chair of the Nuclear Suppliers Group dated 29 June
- Letter from the Executive Secretary of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization dated 26 June
- Letter from the Chairman of the Zangger Committee dated 26 June
- Letter from the Director General of the International Atomic Energy Agency dated 25 June
- Pakistan's press statement of 11 June
- Statement by India's Ministry of External Affairs of 5 June
- Reply of the Prime Minister of India in discussion in Parliament on 29 May
- *Suo Moto* statement by the Indian Prime Minister and paper presented to the Indian Parliament on 27 May
- Letter from the Permanent Representative of Pakistan to the Secretary-General dated 2 July

For the purpose of the report requested by the Council, the proposals and positions expressed by the two Governments and other relevant information emerging from the above-mentioned sources can be summarized as follows:

In paragraph 3 of resolution 1172 (1998) the Security Council demanded that India and Pakistan refrain from further nuclear tests. Since the adoption of the resolution, both Governments have announced unilateral moratoriums. India has also stated its willingness to convert this moratorium into a *de jure* obligation. Pakistan, for its part, has indicated readiness to engage constructively with India and other members of the international community with the aim of formalizing the moratorium and reaching an agreement with India on a bilateral nuclear test ban or on a wider regional ban involving other countries in the region.

With reference to paragraph 4 of the resolution, frequent firing across the Line of Control in Jammu and Kashmir has continued, as has the irregular warfare in the area administered by India between militants and Indian security forces. During his visit to Islamabad, Mr. de Soto was advised that in recent months there had been a significant increase in the level of hostilities, reflected in a growing number of civilian casualties. In this connection, it can also be noted that in a letter which he addressed to me on 26 June 1998, the Permanent Representative of Pakistan referred to "the deteriorating security situation in South Asia, and particularly in Jammu and Kashmir".

In relation to paragraph 5 of the resolution, which calls on India and Pakistan to resume the dialogue between them on all outstanding issues, Prime Minister Vajpayee advised me, in his letter of 30 June 1998, of his Government's intention to pursue bilateral dialogue with Pakistan while rejecting any outside involvement as counter-productive. As for Pakistan, its Permanent Representative indicated to me in his letter, dated 2 July 1998, that his Government would be ready to "engage with India and the international community to promote a process, which in the first instance should accord priority to the avoidance of conflict, the promotion of nuclear and conventional restraint and stabilization between Pakistan and India, as well as the peaceful and just resolution of the core issue of Jammu and Kashmir".

Earlier, on 12 June 1998, the Government of India had extended an invitation to Pakistan to resume talks at the level of Foreign Secretaries in Delhi on 22 June 1998. On the same day, while rejecting India's offer on the grounds that the proposed agenda was not acceptable, Pakistan made a counter-offer for talks to resume in Islamabad on 20 June 1998. This proposal was not acceptable to India. Subsequently, on 23 June, the Prime Minister of Pakistan addressed a letter to the Prime Minister of India affirming his readiness to meet with him during the summit of the South Asian Association for Regional Cooperation at Colombo, Sri Lanka, at the end of July. It is my understanding, based on subsequent indications by representatives of both Governments, that such a meeting is likely to materialize.

In paragraph 7 of resolution 1172 (1998), the Council called on India and Pakistan immediately to stop their nuclear weapons programmes and specified a number of steps to that effect. In this regard, India indicated, in a statement issued by Prime Minister Atal Behari Vajpayee on 27 May 1998, that it would be ready to enter into discussions with Pakistan and other countries on an agreement on the "no-first-use" of nuclear weapons.

In document S/1998/605, Pakistan recalled its proposal for a non-aggression agreement, on the basis of a just settlement of the Jammu and Kashmir dispute. It suggested that, "perhaps, as a first step, the two countries could (*a*) solemnly reaffirm their commitment to non-use of force as prescribed by the Charter of the United Nations; (*b*) undertake to create transparency in military preparations and (*c*) discuss further confidence-building measures, e.g. the creation of a 'risk reduction centre'." While adding that it had not "declared itself a 'Nuclear-Weapon State' ", it indicated that it was prepared to enter into a bilateral and/or multilateral dialogue to evolve an agreement for the maintenance of strategic parity and stable deterrence between India and Pakistan, at an agreed level. It underlined that it would not accept a position of strategic inequality vis-à-vis India.

Pakistan also addressed the issue of a "conventional balance" between India and Pakistan, which it considers "a necessary complement for nuclear stabilization". It expressed interest in entering "into discussions bilaterally with India and/or together with the major powers to establish new confidence-building measures, 'command and control' and monitoring of implementation of confidence-building measures". It expected the international community, particularly the five permanent members of the Security Council, to persuade India to exercise restraint and to forego acquisition of sophisticated weapons systems which will further destabilize the situation.

On the issue of weaponization, Pakistan assumed that some weaponization had already occurred. It felt that the two countries should be encouraged to restrain their build-up of warheads to the minimum and refrain from deployment of missiles. It pointed out that it could "not accept a situation of inferiority in missile capabilities", but that it was prepared to discuss the issue of mutual restraint in the production and deployment of missiles.

Paragraph 7 of resolution 1172 (1998) also raised the issue of export policies. In this context, India has confirmed, in a statement issued by the Prime Minister on 27 May 1998, its commitment to continue to observe stringent export controls on nuclear and missile related technologies, as well as those relating to other weapons of mass destruction. For its part, Pakistan has declared that it has never and will not transfer sensitive technologies to other States or entities.

Regarding paragraph 13 of the resolution, India has reiterated its known position regarding the Treaty on the Non-Proliferation of Nuclear Weapons. It stated that India's becoming a nuclear-weapon State had been inevitable because the non-proliferation regime neither led to nuclear disarmament nor did it prevent proliferation in the region. It pointed out that it could not accept a flawed non-proliferation regime and appealed to the international community to join in re-examining the present international security regime, which remained committed to the complete elimination of all nuclear weapons. India also stressed that the regime must be comprehensive, universal and non-discriminatory and expressed support for the recent eight-nation declaration, "Towards a Nuclear-Weapon Free World: The Need for a New Agenda".

Pakistan has stated that, under the circumstances, it would have to rely on nuclear deterrence and stressed the importance of building comprehensive arrangements for peace and security with India, including a conventional arms balance and the resolution of the Kashmir dispute. It underlined, however, that it was in favour of nuclear disarmament and non-proliferation.

India has recalled that its decision not to subscribe to the Comprehensive Test-Ban Treaty had been approved by its Parliament in 1996. Its perception then was that subscribing to the Comprehensive Test-Ban Treaty would severely limit its nuclear potential to an unacceptably low level. Its reservations deepened as the Treaty did not prove to carry forward the nuclear disarmament process.

Pakistan has stressed that "its position on the Comprehensive Test-Ban Treaty will be shaped by an assessment and analysis of its security requirements in the context of the nuclear and conventional threat posed by India".

Concerning paragraph 14 of resolution 1172 (1998), both States have reiterated their readiness to participate in negotiations on a convention banning the production of fissile material for nuclear weapons or other nuclear explosive devices.

In the framework of the Conference on Disarmament, members of the Group of Twenty-One, to which India and Pakistan belong, have proposed that negotiations on the fissile material cut-off treaty should be one element of broader negotiations on "nuclear disarmament", for example in an ad hoc committee dealing with (*a*) a convention committing all States to the elimination of nuclear weapons; (*b*) negotiations on the programme for nuclear disarmament; and (*c*) a convention banning the production of fissile material for nuclear weapons or other explosive devices.

India has also called for a global and comprehensive approach working towards adopting a nuclear weapons convention in the shortest possible time.

Pakistan has stressed that a convention banning the production of fissile material for nuclear weapons or other explosive devices should only be discussed in the Conference on Disarmament and supports the approach of the Group of Twenty-One. It has also sought clarification from the five permanent members of the Security Council and those interested in the convention on whether India would enter the talks as a nuclear or non-nuclear-weapon State, bearing in mind that obligations for the two categories of States would differ.

It is noted that the Conference on Disarmament, which concluded the second part of its 1998 session on 25 June 1998, has not been able to move forward on the issue of a fissile material cut-off. Positions among States remain divided over the issue. Most Western and Eastern European States wish to seen an immediate commencement of negotiations on a fissile material cut-off treaty in the Conference on Disarmament. Non-aligned countries maintain that the issue could be dealt with within the framework of an ad hoc committee on nuclear disarmament.

(*Signed*) Kofi A. ANNAN

DOCUMENT S/1998/627

Letter dated 9 July 1998 from the representative of the former Yugoslav Republic of Macedonia to the Secretary-General

[*Original: English*]
[*9 July 1998*]

I have the honour to transmit herewith the original of the letter dated 9 July 1998, addressed to you by Mr. Blagoj Handziski, Minister for Foreign Affairs of the Republic of Macedonia, concerning the United Nations Preventive Deployment Force. I should be grateful if you would bring the contents of this letter to the attention of the members of the Security Council.

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Naste CA OVSKI
Permanent Representative of the former Yugoslav Republic of Macedonia to the United Nations

ANNEX

Letter dated 9 July 1998 from the Minister for Foreign Affairs of the former Yugoslav Republic of Macedonia to the Secretary-General

As you know, during the time you prepared each of your reports to the Security Council on the United Nations Preventive Deployment Force (UNPREDEP) in the Republic of Macedonia, I used to acquaint you, in writing, with the position of the Government of the Republic of Macedonia, as a host country. Considering that in paragraph 25 of your last report [*S/1998/434*], you committed yourself, should the Security Council so wish, to making specific proposals for the possible reinforcement of its military potential, this time also, I would like to acquaint you with the position of my Government.

Firstly, in my letter of 15 May 1998 [*S/1998/401*], I gave a number of reasons why we requested the continuation of the UNPREDEP mission beyond 31 August 1998.

Secondly, I acquainted you with the reasons why we expected the Security Council to adopt a resolution extending the mission for six months under the same mandate, structure and proportions.

Considering the further deterioration of the situation to the north of our borders, I would like to remind you that we have endorsed the option of an eventual increase in the military component, in cooperation with, and upon the agreement of the authorities of the Republic of Macedonia, maintaining the same mandate, structure and proportion.

I would also like to inform you that your deliberations on reinforcing the Civilian Police with an additional 20 civilian policemen, in cooperation with, and upon the agreement of the authorities of the Republic of Macedonia, could be successful and could contribute to more efficient monitoring.

Hoping that the Security Council will very soon adopt a resolution, that will reflect our aforementioned position, I would like to assure you of my highest consideration.

(*Signed*) Blagoj HANDZISKI

DOCUMENT S/1998/629

Letter dated 10 July 1998 from the representative of Nigeria to the President of the Security Council

[*Original: English*]
[*10 July 1998*]

I have the honour to forward to you, on behalf of the Chairman of the Economic Community of West African States and Head of State of the Federal Republic of Nigeria, General Abdulsalam Abubakar, the text of the joint communiqué issued at the end of the meeting co-hosted by him and the Secretary-General and attended by the President of Sierra Leone and the President of Liberia, which took place at Abuja on 2 July 1998.

I would be grateful if the text of the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Ibrahim A. GAMBARI
Permanent Representative of Nigeria to the United Nations

ANNEX

Joint communiqué of the meeting co-hosted by the Chairman of the Economic Community of West African States and Head of State of the Federal Republic of Nigeria, and the Secretary-General and attended by the President of Sierra Leone and the President of Liberia, issued on 2 July 1998 at Abuja

1. On 1 July 1998, at the initiative of the Secretary-General, Mr. Kofi A. Annan, the Chairman of the Economic Community of West African States and Head of State of the Federal Republic of Nigeria, General Abdulsalam Abubakar, hosted a meeting between President Ahmed Tejan Kabbah of Sierra Leone and President Charles Ghankay Taylor of Liberia.

2. The meeting, which was co-chaired by the Chairman of the Economic Community of West African States and the Secretary-General, addressed a number of regional and subregional issues, including ways in which security and cooperation between the neighbouring States of Liberia and Sierra Leone could be further improved, which confidence-building measures could be introduced by the two Governments and what role the Economic Community of West African States and the United Nations could play in support of these efforts.

3. The Heads of State of Sierra Leone and Liberia, in the presence of the Chairman of the Economic Community of West African States and the Secretary-General, reached agreement on the following points:

(*a*) They strongly condemned the continued rebel activities in Sierra Leone, as well as the horrendous atrocities that had been committed there;

(*b*) They were determined to cooperate to promote an end to the fighting in Sierra Leone and to foster peace and security in the subregion;

(*c*) They reaffirmed the non-aggression protocol of 1986 of the Mano River Union agreement and agreed to seek ways to enhance its effectiveness. Special attention was drawn to the need to control the activities and movements of demobilized former combatants and the leaders expressly reaffirmed their commitment not to permit their territories to be used for actions aimed at destabilizing the other;

(*d*) That, as a further confidence-building measure, the two leaders would exchange official visits;

(*e*) That both leaders would welcome and support the deployment of observers from the United Nations and the Military Observer Group of the Economic Community of West African States along their borders;

(*f*) Both leaders called upon their citizens not to be involved in destabilizing activities against the other State and stated that all those caught committing such offences should be arrested and prosecuted under the laws of the arresting State;

(*g*) Both leaders welcomed the initiative taken by the Secretary-General and the Chairman of the Economic Community of West African States in facilitating their discussion and expressed their appreciation for this.

4. The three regional leaders called upon the United Nations to increase its presence in Sierra Leone, in support of the efforts being undertaken by the Economic Community of West African States and the Government of Sierra Leone to promote peace and security in the country. The Secretary-General expressed support for the need to increase the United Nations presence in Sierra Leone and noted that the Security Council was presently considering the matter.

5. The participants expressed grave concern over the situation in Guinea-Bissau and noted the ongoing consultations among member States of the Economic Community of West African States on this matter.

6. The participants expressed their special appreciation to the Head of State of the Federal Republic of Nigeria, General Abdulsalam Abubakar, for having hosted the meeting and for the facilities which he had made available.

(*Signed*) Charles G. TAYLOR
President of Liberia

(*Signed*) Abdulsalam ABUBAKAR
Chairman of ECOWAS and Head of State of the Federal Republic of Nigeria

(*Signed*) Ahmed Tejan KABBAH
President of Sierra Leone

(*Signed*) Kofi A. ANNAN
Secretary-General

DOCUMENT S/1998/632

Letter dated 10 July 1998 from the representative of Yugoslavia to the President of the Security Council

[*Original: English*]
[*10 July 1998*]

I have the honour to transmit herewith a copy of the draft agreement between the Federal Republic of Yugoslavia and the Republic of Croatia on the permanent settlement of the disputed issue of Prevlaka, with an explanatory note.

I would appreciate if you would have this letter and its annexes circulated as a document of the Security Council.

(*Signed*) Vladislav JOVANOVIC
Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations

ANNEX I

Draft agreement between the Federal Republic of Yugoslavia and the Republic of Croatia on the permanent settlement of the disputed issue of Prevlaka

The Federal Republic of Yugoslavia and the Republic of Croatia (hereinafter: "Contracting Parties");

Committed to the respect and implementation of the Charter of the United Nations, the principles of good-neighbourly relations, peaceful settlement of disputes and general rules of international law;

Proceeding from the Agreement on Normalization of Relations between the Federal Republic of Yugoslavia and the Republic of Croatia, signed in Belgrade on 23 August 1996;

Convinced that the achievement of a just and mutually acceptable solution of the disputed issue of Prevlaka will contribute to the promotion of overall Yugoslav-Croatian relations, stability and economic development of the region;

Have agreed as follows:

Article 1

Under the provisions of Articles 2 and 4 of the Agreement on Normalization of Relations between the Federal Republic of Yugoslavia and the Republic of Croatia, the Contracting Parties shall effect delimitation on land and at sea in the disputed area of the Prevlaka peninsula, in accordance with the general rules of international law on delimitation, proceeding in particular from the effective exercise of jurisdiction of the Contracting Parties on land and at sea, as well as with the principles of equality and good-neighbourly relations.

In order to comply with the commitments referred to in the first paragraph above, a Joint Yugoslav-Croatian Commission shall be established.

Article 2

Aiming to strengthen mutual confidence and good-neighbourly relations, the Contracting Parties are agreed that the Prevlaka area will be used solely for peaceful purposes.

The Contracting Parties shall regulate this matter, including the possibility of permanent demilitarization, through specific arrangements in accordance with international law.

Article 3

In order to implement the principles of good-neighbourly relations and promote economic and tourist cooperation, the Contracting Parties are agreed to establish a permanent border-crossing point for international road transport along the Herceg Novi–Sutorina-Dubrovnik motorway, to be regulated by an amendment to the Agreement between the Federal Government of the Federal Republic of Yugoslavia and the Government of the Republic of Croatia on establishing border-crossing points.

Article 4

The Contracting Parties are agreed that a border traffic regime be established for specific counties (*opstinas*) from the territory of the Federal Republic of Yugoslavia/the Republic of Montenegro and from the territory of the Republic of Croatia, to be regulated by an amendment to the Agreement between the Federal Government of the Federal Republic of Yugoslavia and the Government of the Republic of Croatia on border traffic.

Article 5

This Agreement is done in two original copies, in the Serbian and Croatian languages, both of which are equally authentic.

This Agreement shall be applied from the date of its signature and it shall enter into force after the Contracting Parties have notified each other through diplomatic channels that it has been approved by their respective authorities.

DONE in _____ on the _____ day of _____

For the Federal Republic of Yugoslavia:

For the Republic of Croatia:

ANNEX II

Explanatory note

The Government of the Federal Republic of Yugoslavia has prepared the attached text of the draft agreement between the Federal Republic of Yugoslavia and the Republic of Croatia on permanent settlement of the disputed issue of Prevlaka, which was delivered to the Ambassador of the Republic of Croatia in Belgrade on 10 July 1998.

The draft agreement is an expression of a consistent policy of the Government of the Federal Republic of Yugoslavia to promote overall Yugoslav-Croatian relations, stability and economic development in the region, while respecting and implementing the Charter of the United Nations, the principles of good-neighbourly relations, peaceful settlement of disputes and general rules of international law. The draft agreement is fully in accordance with the Agreement on Normalization of Relations between the Federal Republic of Yugoslavia and the Republic of Croatia of 23 August 1996 and it reaffirms, at the same time, the constructive and cooperative attitude of the Government of the Federal Republic of Yugoslavia towards Security Council resolutions concerning Prevlaka, including resolution 1147 (1998) of 13 January 1998, urging the two parties to take concrete steps towards a negotiated resolution of the disputed issue of Prevlaka in good faith and without delay.

From the very beginning the Federal Republic of Yugoslavia has made great efforts to resolve the disputed issue of Prevlaka by peaceful means. This has been proved, among other things, by the Joint Declaration signed at Geneva on 30 September 1992 by the Presidents of the Federal Republic of Yugoslavia and the Republic of Croatia, in which the Prevlaka area was demilitarized and placed under United Nations control, as well as by many letters and other documents on the subject from the Government of the Federal Republic of Yugoslavia to the Security Council. The positions of the Federal Republic of Yugoslavia on the issue of Prevlaka have been explained in detail in the aide-mémoire of the Federal Government of Yugoslavia of October 1996 [*S/1996/884*].

Along the lines of these efforts, in pursuance of the Agreement on Normalization of Relations between the Federal Republic of Yugoslavia and the Republic of Croatia, the draft agreement on permanent settlement of the disputed issue of Prevlaka provides that the Contracting Parties shall effect delimitation, under Articles 2 and 4 of the Agreement on Normalization of Relations, on land and at sea in the disputed area of the Prevlaka peninsula, in accordance with the general rules of international law on delimitation, proceeding in particular from the effective exercise of jurisdiction of the Contracting Parties on land and at sea, and from the principles of equality and good-neighbourly relations. Towards that end, a Joint Yugoslav-Croatian Commission shall be established.

Expressing its readiness immediately to start negotiations with the Croatian side, the Government of the Federal Republic of Yugoslavia considers that the proposed draft agreement constitutes a solid basis for a permanent settlement of the disputed issue of Prevlaka, in which both parties are interested. Resolution of this issue will make significant contribution to the implementation of the Agreement on Normalization of Relations between the two countries, the relevant Security Council resolutions and towards the promotion of good-neighbourly relations and cooperation in the region.

DOCUMENT S/1998/634

Report of the Secretary-General on the situation concerning Western Sahara

[*Original: English*]
[*10 July 1998*]

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1163 (1998) of 17 April 1998 by which the Council extended the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 20 July 1998, and requested me to report to it every 30 days on the progress of the implementation of the settlement plan [*S/21360 and S/22464*] and the agreements reached between the parties, the Kingdom of Morocco and the Frente Popular para la Liberación de Saguía el-Hamra y del Río de Oro (Frente POLISARIO), under the auspices of my Personal Envoy, Mr. James A. Baker III [*S/1997/742, annexes I to III*]. The present report covers developments since my previous report to the Council dated 18 June 1998 [*S/1998/534*].

II. Developments during the reporting period

2. During the reporting period, my Special Representative, Mr. Charles F. Dunbar, continued his consultations on various issues related to the implementation of the settlement plan. He met with the Prime Minister of Morocco, Mr. Abderrahmane Youssoufi, and the Minister for Foreign Affairs of Morocco, Mr. Abdellatif Filali, at Rabat on 18 and 19 June 1998, and with the POLISARIO Coordinator with MINURSO, Mr. M'Hamed Khaddad, in the Tindouf area of Algeria on 23 June.

A. *Identification process*

3. In June 1998, MINURSO identified a total of 13,142 applicants to the referendum. A high level of activity was thus maintained in the identification process, despite interruptions at the sessions held in Mauritania (*see para. 6 below*). As at 6 July 1998, 104,200 applicants had been convoked for identification since the resumption of the process in December 1997. Of those, 75,555 appeared before the Identification Commission to be interviewed. With the 60,112 applicants who had been identified during the initial phase of the process (August 1994 to December 1995), the total number of persons identified thus far comes to 135,667.

4. MINURSO presented both parties with a provisional programme of identification for July and August 1998, which has yet to be finalized. The Identification Commission suspended its operations for the week of 6 to 10 July in observance of local holidays, but identification is still proceeding on schedule. With the full cooperation of both parties, identification of most applicants from tribal groups other than H41, H61 and J51/52 should be completed in August 1998.

5. The Government of Morocco has maintained the position that it will not participate in the identification of those applicants from tribal groupings H41, H61 and J51/52 who are listed in the 1974 Spanish census and their immediate families, until the overall issue of the identification of all applicants

from those three groupings is resolved. Thus, the identification of the 603 applicants concerned could not proceed, since the presence of observers of the two parties is required for the identification sessions to proceed, according to my predecessor's compromise proposal of 1993 on the interpretation and application of the criteria and procedures for establishing the identity of prospective voters [*S/26185, annex I*].

6. On 25 June, Moroccan observers halted the identification sessions at the Zouerate centre in Mauritania, on the grounds that certain applicants who reported to that centre had changed their place of residence from the refugee camps in the Tindouf area to Mauritania. Yet, as indicated in my letter of 12 December 1997 to the President of the Security Council [*S/1997/974*], both parties had agreed with MINURSO on 14 November 1997 that changes of address and any other information pertinent to the determination of the appropriate identification centre could be provided by either party. In a letter to the Government of Morocco dated 28 June, the Identification Commission expressed concern regarding this latest development and sought the participation of Moroccan observers attending identification sessions in Mauritania. However, on 1 July, the Government of Morocco reiterated its refusal to allow changes of address between the refugee camps and Mauritania. This action could affect up to 2,000 applicants in Mauritania.

7. In their consultations with my Special Representative, both parties have maintained their former positions with regard to the outstanding issue of the identification of the H41, H61 and J51/52 tribal groupings, including the proposal contained in my report of 15 January 1998 [*S/1998/35*] that MINURSO complete, as a first step, the identification of the 4,000 individuals who had presented themselves on the days of convocation of members from the above three groupings who are listed in the 1974 census and of their immediate families.

B. *Military aspects*

8. As at 6 July 1998, the military component of MINURSO stood at 366 observers and other military personnel (*see annex*), including the demining unit from Sweden and advance elements of the engineering support unit from Pakistan deployed in accordance with Security Council resolution 1148 (1998) of 26 January 1998. Under the command of Major-General Bernd S. Lubenik (Austria), the military component of the Mission continues to monitor the ceasefire which came into effect on 6 September 1991 between the Royal Moroccan Army and the Frente POLISARIO forces. The MINURSO area of responsibility remains calm, and there have been no indications that either side intends to resume hostilities.

9. The advance party of the military engineering support unit from Pakistan stands at 6 staff officers and 53 military personnel. The advance party has commenced construction of facilities in Laayoune and Smara for the unit's main body and in support of the demining activities. Some elements have been deployed for the planned refurbishment of subsector command facilities located east of the defensive sand-wall ("berm").

10. The demining unit from Sweden stands at 4 staff officers and 73 troops, including the unit's remaining 14 members who deployed to the Mission area on 1 July 1998. The remainder of contingent-owned equipment, excluding weapons and ammunition, arrived in Laayoune on 5 July 1998. During the reporting period, the unit undertook mine assessment studies at 14 of the proposed military construction sites, finalized operational priorities, conducted road reconnaissance for transport planning and continued to mark unexploded ordnance within the Mission area. However, pre-deployment training remains to be completed upon receipt of contingent arms and ammunition. Major initial difficulties regarding preparation, construction and occupation of a logistics complex at a privately owned facility in Laayoune have been resolved, and operations at the site are now proceeding smoothly.

11. In June 1998, the military engineering support and demining units of MINURSO also supported route reconnaissance conducted by the Office of the United Nations High Commissioner for Refugees (UNHCR) in the northern sector. An operational planning session took place between the Mission's military units and UNHCR representatives in the Tindouf area, to refine military support for repatriation and resettlement plans in preparation for the UNHCR workshop to be held in Laayoune later in July 1998.

12. The MINURSO engineering support and demining units will not be fully operational until the arrival of their weapons and ammunition. In this regard, consultations between MINURSO and the Moroccan authorities are expected to be held in the coming days, to work out practical arrangements for the carriage of weapons and custody of equipment and ammunition by those units.

13. The early conclusion of the status-of-forces agreements, the drafts of which were submitted to Morocco on 31 March 1998 and to Algeria and Mauritania on 3 April 1998, would greatly facilitate the full and timely deployment of MINURSO formed military units. On 29 June, the Secretariat received a formal reply from the Government of Algeria, along with several proposed amendments to the draft agreement, and is currently reviewing these proposals. In a formal reply dated 2 July, the Government of Mauritania confirmed its acceptance of the draft agreement, adding some minor comments. The Secretariat expects that the status-of-forces agreements with those two Governments may be signed as soon as possible. In the meantime, the Moroccan authorities have indicated that they were finalizing their response to the draft agreement and would submit it shortly.

C. *Civilian police aspects*

14. The total number of civilian police officers assigned to MINURSO stands at 80 out of an approved total of 81 (*see annex*). Under the command of the Civil Police Commissioner, Chief Superintendent Peter Miller (Canada), the civilian police component of MINURSO continues to provide security and assist the Identification Commission at all operating identification centres; it also provides security after working hours for identification materials at the Mission headquarters

in Laayoune. The work of the Mission's civilian police in support of the identification operation has been proceeding relatively smoothly and will continue to follow the Identification Commission's schedule.

15. However, preparations by the MINURSO civilian police related to the repatriation of Saharan refugees have been hindered by problems encountered in the conduct of UNHCR activities in the Territory (*see para. 16 below*) and by difficulties in obtaining relevant information from the Government of Morocco. The Civil Police Commissioner hopes that this situation will be rectified in the near future, so that greater emphasis may be directed towards the planning process for the safe return of refugees eligible to vote and their immediate families.

D. *Preparatory work for the repatriation of Saharan refugees*

16. During the reporting period, UNHCR continued with its preparatory work for the repatriation of Saharan refugees, as provided for under the settlement plan, albeit at a reduced pace in view of delays expected in the implementation of the plan as well as for the following reasons: although its discussions in Rabat yielded some positive results, UNHCR still awaits clearance from the Government of Morocco on a number of remaining issues before it can undertake activities in Western Sahara, as planned in its repatriation programme. The formalization of UNHCR's presence in Western Sahara, arrangements to ensure the freedom of access and movement of UNHCR personnel throughout the Territory and the implementation of UNHCR preparatory work, such as confidence-building and infrastructure development, are still pending. With regard to these issues, the Secretariat was informed by the Moroccan authorities on 9 July 1998 that they were prepared to cooperate with UNHCR. Renewed discussions in Rabat with the Ministry of the Interior regarding UNHCR role and activities in Western Sahara, including a joint visit to the Territory, are expected to take place later in July.

17. In view of the above limitations, UNHCR has decided not to launch an appeal for funds, as was indicated in my previous report [*S/1998/534*]. However, UNHCR will continue with its preparatory activities in the Tindouf refugee camps in Algeria, in northern Mauritania and in the eastern part of the Territory, and the balance of funds currently available would be sufficient for this purpose until the end of 1998. Should conditions change, UNHCR would consider launching an appeal in due course.

18. Pre-registration of refugees continued in northern Mauritania and Algeria. At Zouerate and Nouadhibou in Mauritania, UNHCR has pre-registered 14,000 persons to date and intends to continue this exercise until MINURSO has completed the identification operation in Mauritania. Pre-registration resumed at the Tindouf camps in Algeria, where 18,000 refugees have been pre-registered thus far. UNHCR continued with other preparatory activities in the Tindouf camps, including water and infrastructure development, information-sharing, assessment of refugee needs and mine awareness. In addition, UNHCR air and road reconnaissance was completed. In the coming days, UNHCR expects to share with MINURSO its logistics planning, including the results of the road reconnaissance, so that safe repatriation routes and sites may be identified as soon as possible.

E. *Other aspects*

19. On 26 May, the Government of Morocco informed my Special Representative that, in its view, the use of MINURSO aircraft should be limited exclusively to MINURSO personnel, particularly on flights between Laayoune and Tindouf. The airport authorities in Laayoune have since denied access to MINURSO flights to Tindouf to a British correspondent and a Portuguese television crew, as well as to Tindouf and Smara to an Argentine photographer commissioned by his Government to prepare a book on Argentina's role in United Nations peacekeeping operations, including MINURSO.

20. Following attempts to resolve the issue, my Special Representative addressed a letter to the Government of Morocco on 30 June, stressing that visits by diplomats, staff of non-governmental organizations and journalists directly related to the mandate of MINURSO contribute to the conduct of the Mission's activities and to the transparency of the process. While indicating that he would ensure that national requirements for appropriate travel documents, as well as United Nations standard practices were respected, my Special Representative reaffirmed his strong belief that those visitors should be allowed to fly aboard MINURSO aircraft and asked the Government of Morocco to reconsider its position.

III. Financial aspects

21. As indicated in my report of 16 March 1998,[1] the proposed budget for the maintenance of MINURSO for the period from 1 July 1998 to 30 June 1999 amounts to $65.1 million gross. Pending my further recommendations on the revised timetable for the implementation of the settlement plan, the General Assembly, by its resolution 52/228 B of 26 June 1998, provided an initial bridging appropriation of $21.6 million gross, equivalent to a monthly rate of $5.4 million gross, for the period from 1 July to 31 October 1998.

22. Accordingly, should the Security Council decide to extend the mandate of MINURSO to 21 September 1998, as recommended in paragraph 30 below, the cost of maintaining the Mission during the extension period would be limited to the monthly rate approved by the General Assembly.

23. As at 30 June 1998, unpaid assessed contributions to the MINURSO special account for the period from inception to 30 June 1998 amounted to $65.6 million. The total outstanding assessed contributions for all peacekeeping operations as at 30 June 1998 was $1,527.9 million.

IV. Observations and recommendations

24. The substantial increase in the pace of identification in June and early July will, if sustained, enable MINURSO to complete, during the month of August 1998, the iden-

tification of applicants from all Saharan tribes other than tribal groupings H41, H61 and J51/52. Both Morocco and the Frente POLISARIO have generally cooperated in ensuring that the process moves forward, with the exception of the difficulties described in paragraphs 5 and 6 above. It would be imperative therefore to resolve these difficulties so that the identification of all applicants other than those from groupings H41, H61 and J51/52 may be completed on schedule.

25. As mentioned in my report to the Security Council dated 18 June [*S/1998/534*], it is important that UNHCR's presence in the Territory be formalized and that substantive consultations between the Moroccan Government and UNHCR be conducted as soon as possible, in order to allow the latter to promote the necessary climate of confidence among the refugees, enabling them to return under conditions of safety and dignity. In this regard, I have taken note with satisfaction that, as indicated in paragraph 16 above, the Moroccan authorities have expressed their readiness to cooperate with UNHCR.

26. Formal replies to the draft status-of-forces agreements have been received from Algeria and Mauritania, and I hope that the agreements with these two Governments may be signed shortly. I also expect that the Moroccan authorities will provide an early positive response, as indicated in paragraph 13 above, so that the status-of-forces agreement may also be concluded with them without further delay.

27. The restrictions imposed on the use of MINURSO aircraft, which are not in line with the practice of United Nations peacekeeping operations, could have a negative public relations impact on the peace process in Western Sahara and could reduce the availability to Security Council members and troop and police contributing nations of useful information related to the Mission.

28. The issue of how to proceed with the identification of members of tribal groupings H41, H61 and J51/52, other than those included in the 1974 census and their immediate families, is the only major impediment to MINURSO's completing the identification phase and moving on to the final phase of the referendum process. The differences between the two parties in the interpretation of the status accorded to applicants from those three groupings in the settlement plan and the Houston agreements remain substantial. My Special Representative has been unable to obtain, from either party, practical suggestions which would allow for reconciliation of their points of view.

29. In my report to the Council of 13 April 1998 [*S/1998/316*], I indicated that if, by the end of June, sufficient progress had been made in the identification process and in the search for solutions to the contentious issue of tribal groupings H41, H61 and J51/52, I would submit recommendations for a revised timetable for the full implementation of the settlement plan with this report. In the light of what has transpired, and particularly taking into account the progress made on identifying applicants from tribes other than those three groupings, I have asked that, after substantial completion of the process of identifying all groups other than H41, H61 and J51/52, my Personal Envoy consider engaging the parties in seeking a solution to the problem of identifying those three tribal groupings and to other issues bearing upon the implementation of the settlement plan. Thereafter, my Personal Envoy would assess the implementability of the plan in its present form, examine whether there are any adjustments to the plan, acceptable to the parties, which would significantly improve the chances of implementing it, and if there are not, advise me on possible avenues to be pursued. Such an assessment would influence my conclusions as to the continued viability of MINURSO's mandate.

30. In order to provide time for the course of action suggested in the preceding paragraph, I recommend that MINURSO's mandate be extended for a period of two months, until 21 September 1998. Accordingly, instead of submitting my next report in mid-August 1998, I intend to submit it by 15 September 1998. If, by then, it appears that there is still a possibility that the settlement plan can be implemented, I shall submit a revised timetable along with the report to the Security Council. If, on the other hand, it appears that the settlement plan is no longer viable, it will be my intention to include recommendations on the continued viability of MINURSO's mandate in the next report.

[See Map at the end of the present supplement.]

ANNEX

United Nations Mission for the Referendum in Western Sahara: contributions as at 6 July 1998

Country	*Military observers*	*Staff officers*	*Troops*	*Civilian police observers*	*Total*
Argentina	1	–	–	–	1
Austria	5	–	–	–	5*
Bangladesh	6	–	–	–	6
Canada	–	–	–	8	8
China	16	–	–	–	16
Egypt	19	–	–	2	21
El Salvador	2	–	–	–	2
France	25	–	–	–	25
Ghana	6	–	7	10	23
Greece	1	–	–	–	1
Guinea	3	–	–	–	3
Honduras	12	–	–	–	12
Ireland	8	–	–	–	8
India	–	–	–	10	10
Italy	5	–	–	–	5
Kenya	8	–	–	–	8
Malaysia	13	–	–	10	23
Nigeria	5	–	–	10	15
Norway	–	–	–	2	2
Pakistan	5	6	53	8	72
Poland	3	–	–	–	3
Portugal	4	–	–	10	14
Republic of Korea	–	–	20	–	20
Russian Federation	25	–	–	–	25
Sweden	–	4	73	10	87**
Uruguay	13	–	–	–	13
United States of America	15	–	–	–	15
Venezuela	3	–	–	–	3
Total	**203**	**10**	**153**	**80**	**446**

* In addition to the Force Commander.

** Including four national support elements (NSE).

DOCUMENT S/1998/640

Letter dated 8 July 1998 from the Secretary-General to the President of the Security Council

[Original: English]
[14 July 1998]

I have the honour to refer to resolution 955 (1994) of 8 November 1994, by which the Security Council established an International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States, between 1 January 1994 and 31 December 1994 (hereinafter referred to as "the International Tribunal for Rwanda"). I also have the honour to refer to Security Council resolution 1165 (1998) of 30 April 1998, by which the Council established a third Trial Chamber of the International Tribunal for Rwanda.

Article 12 of the statute of the International Tribunal for Rwanda, as amended by Security Council resolution 1165 (1998), provides as follows:

"QUALIFICATION AND ELECTION OF JUDGES

"1. The judges shall be persons of high moral character, impartiality and integrity who possess the qualifications required in their respective countries for appointment to the highest judicial offices. In the overall composition of the Chambers due account shall be taken of the experience of the judges in criminal law, international law, including international humanitarian law, and human rights law.

"2. The members of the Appeals Chamber of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (hereinafter referred to as 'the International Tribunal for the Former Yugoslavia') shall also serve as the members of the Appeals Chamber of the International Tribunal for Rwanda.

"3. The judges of the Trial Chambers of the International Tribunal for Rwanda shall be elected by the General Assembly from a list submitted by the Security Council, in the following manner:

"(*a*) The Secretary-General shall invite nominations for judges of the Trial Chambers from States Members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters;

"(*b*) Within thirty days of the date of the invitation of the Secretary-General, each State may nominate up to two candidates meeting the qualifications set out in paragraph 1 above, no two of whom shall be of the same nationality and neither of whom shall be of the same nationality as any judge on the Appeals Chamber;

"(*c*) The Secretary-General shall forward the nominations received to the Security Council. From the nominations received, the Security Council shall establish a list of not less than eighteen and not more than twenty-seven candidates, taking due account of adequate representation on the International Tribunal for Rwanda of the principal legal systems of the world;

"(*d*) The President of the Security Council shall transmit the list of candidates to the President of the General Assembly. From that list, the General Assembly shall elect the nine judges of the Trial Chambers. The candidates who receive an absolute majority of the votes of the States Members of the United Nations and of the non-member States maintaining permanent observer missions at United Nations Headquarters shall be declared elected. Should two candidates of the same nationality obtain the required majority vote, the one who received the higher number of votes shall be considered elected.

"4. In the event of a vacancy in the Trial Chambers, after consultation with the Presidents of the Security Council and the General Assembly, the Secretary-General shall appoint a person meeting the qualifications of paragraph 1 above, for the remainder of the term of office concerned.

"5. The judges of the Trial Chambers shall be elected for a term of four years. The terms and conditions of service shall be those of the judges of the International Tribunal for the Former Yugoslavia. They shall be eligible for re-election."

On 24 and 25 May 1995, the General Assembly elected the following six persons as judges of the International Tribunal for Rwanda, for terms of office to expire on 24 May 1999:

Mr. Laity Kama (Senegal)

Mr. Lennart Aspergren (Sweden)

Mr. T. H. Khan (Bangladesh)

Mr. Yakov Ostrovsky (Russian Federation)

Ms. Navanethem Pillay (South Africa)

Mr. William Sekule (United Republic of Tanzania).

In resolution 1165 (1998) establishing a third Trial Chamber of the International Tribunal for Rwanda, the Security Council decided that the elections for that third Trial Chamber and for the other two Trial Chambers shall be held together. The Security Council also decided in that resolution that the terms of office of all judges elected in those elections shall expire on 24 May 2003. The Security Council further decided in that resolution, as an exceptional measure to enable the third Trial Chamber to begin to function at the earliest possible date, that three newly elected judges, designated by the Secretary-General in consultation

with the President of the International Tribunal and in compliance with the requirement that none of them shall be of the same nationality as a judge who is currently serving on the Tribunal, shall commence their terms of office as soon as possible following the elections. The other judges shall commence their terms of office, or, if they are judges who are currently serving on the Tribunal and are re-elected, commence their new terms of office on 25 May 1999.

Pursuant to paragraph 3 (*a*) of article 12 of the statute of the International Tribunal for Rwanda, States Members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters were invited, by a letter dated 4 June 1998, to submit nominations for the nine judges of the three Trial Chambers of the International Tribunal for Rwanda and were informed that, within thirty days of the date of that letter, they might nominate up to two candidates meeting the qualifications set out in paragraph 1 of article 12 of the Tribunal's statute. They were also informed that, in accordance with paragraph 3 (*b*) of article 12 of the statute, no two of the candidates so nominated might be of the same nationality and that no candidate so nominated might be of the same nationality as any judge on the Appeals Chamber. The Appeals Chamber currently comprises judges who are nationals of China, Colombia, Guyana, Malaysia and the United States of America. Accordingly, nationals of those countries may not be nominated as candidates for judges of the International Tribunal for Rwanda.

I would take this opportunity to note that, pursuant to paragraph 5 of article 12 of the statute, the judges of the International Tribunal for Rwanda are to serve on a full-time basis and so may not engage in any other occupation of a professional nature during their terms of office. Once elected to the Tribunal, they are expected to take up residence at its seat in Arusha, Tanzania.

Pursuant to paragraph 3 of article 12 of the statute of the International Tribunal for Rwanda, I have the honour herewith to forward to the Security Council the five nominations which have been received from States Members of the United Nations within the thirty-day period specified in paragraph 3 (*b*) of article 12 of that statute. The list of candidates, in alphabetical order, is annexed to this letter, together with the curricula vitae provided in connection with their nominations.

In this connection, I would draw the attention of the Security Council to paragraph 3 (*c*) of article 12 of the statute, which provides in relevant part as follows: "From the nominations received, the Security Council shall establish a list of not less than eighteen and not more than twenty-seven candidates, taking due account of adequate representation on the International Tribunal for Rwanda of the principal legal systems of the world".

I would note that the list of five candidates is short of the minimum number of eighteen which is required by paragraph 3 (*c*) of article 12 of the statute. I would accordingly suggest that the Council extend the deadline for nominations until 4 August 1998, which deadline would coincide with the deadline for nominations for judges of the International Criminal Tribunal for the Former Yugoslavia. If the Security Council were so to extend the deadline, the Secretary-General would notify States Members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters accordingly.

(*Signed*) Kofi A. ANNAN

ANNEX

List of candidates nominated by Governments
(In alphabetical order)

Number	*Name*	*Nationality*	*Nominated by Government of*
1.	Mr. Laity Kama	Senegalese	Senegal
2.	Mr. Yakov Ostrovsky	Russian	Russian Federation
3.	Ms. Navanethem Pillay	South African	South Africa
4.	Ms. Indira Rana	Nepali	Nepal
5.	Mr. William Sekule	Tanzanian	United Republic of Tanzania

DOCUMENT S/1998/643

Letter dated 14 July 1998 from the Secretary-General to the President of the Security Council

[*Original: English*]
[*14 July 1998*]

I have the honour to transmit to you herewith a letter dated 14 July 1998 from the High Representative for Implementation of the Peace Agreement on Bosnia and Herzegovina.

I should be grateful if you would bring this letter to the attention of the members of the Security Council.

(*Signed*) Kofi A. ANNAN

ANNEX

Letter dated 14 July 1998 from the High Representative for Implementation of the Peace Agreement on Bosnia and Herzegovina to the Secretary-General

I am sending herewith my report for implementation of the Peace Agreement on Bosnia and Herzegovina for the months of April to June 1998. I will be presenting the report to the Security Council on 27 July and hope to be able to meet with you on that day.

(*Signed*) Carlos WESTENDORP

APPENDIX

Report of the High Representative for Implementation of the Peace Agreement on Bosnia and Herzegovina for the months of April to June 1998

I. Introduction

1. By its resolution 1112 of 12 June 1997, the Security Council endorsed my appointment as High Representative and reaffirmed the importance of the role of the High Representative "in monitoring the implementation of the Peace Agreement and giving guidance to and coordinating the activities of the civilian organizations and agencies involved in assisting the parties to implement the Peace Agreement" in Bosnia and Herzegovina.

2. Pursuant to Security Council Resolution 1031 of 15 December 1995, in which it requested the Secretary General to submit reports from the High Representative in accordance with Annex 10 of the Peace Agreement and the Conclusions of the London Peace Implementation Conference of 8–9 December 1995, I herewith present the tenth report to the Council.

3. The Report covers the activities of the Office of the High Representative and developments it the areas listed below during the period from the beginning of April 1998 to the end of June 1998.

II. Institutional aspects

Office of the High Representative

4. The period under review has seen substantial progress. This includes the consolidation of the position of the Government in the RS, the emergence of greater pluralism in both Entities, and improvement in the economic situation across the country. By the end of the reporting period, one half of the persons indicted for war crimes by the ICTY were in custody; cooperation by Entity justice sectors with the ICTY improved; the results of last September's elections had been implemented in all but one of the 136 municipalities; an MOU on the restructuring of RTW BiH had been signed. Minority returns have started in earnest and there is progress on property legislation. The Konvertible Marka has been introduced, new legislation on privatization adopted by the Council of Ministers, and legislation on foreign investment and State and Entity budgets passed; and an IMF standby agreement has been reached. Common license plates are now the norm rather than the exception on vehicles throughout the country. The Coat of Arms has been introduced.

5. Bu almost all progress has required continued and intensive efforts from the international community and in several cases I have had to resort to making interim binding decisions in accordance with my authority under Annex 10 of the Peace Agreement. A crucial moment in the peace implementation process has now been reached. As we approach the end of the consolidation period, the progress made thus far, although substantial, is still not irreversible. Civilian peace implementation in BiH cannot yet proceed without continued international military support. Progress itself generated resistance from hardline nationalists, who see their power on the wane and their influence diminishing. The continued presence of SFOR remains vital to the preservation of the secure environment in which nation-building can take place. I welcome NATO's and the UN's decision to extend SFOR's mission. The situation in nearby Kosovo, meanwhile, gives additional cause for concern; naturally it is one which I and other agencies in theater are watching closely.

6. Two and half years on from Dayton, the great prize of a sustainable peace is within sight — if the international community is willing to see the task through to the end. It is critical also that Bosnia and Herzegovina now start to take responsibility for its own future and prepare to make its own way in the world. The present degree of international support will not last for ever, and is now at its peak. Bosnia's leaders should exploit the window provided by it, and by the recently extended international military presence, to build their country based on effective political institutions and a free market economy.

7. Now is the time for the all the authorities in Bosnia and Herzegovina to act in accordance with all aspects of the Peace Agreement and to implement the commitments they undertook at Dayton: building viable institutions; promotion of democracy protection of human rights and the rule of law; reform of the educational system; economic recovery; reconciliation and the return process.

8. The September 1998 elections are a vital opportunity for the people of Bosnia and Herzegovina themselves to express their own wishes about the future of their country; to examine the record of their elected leaders and to judge them on it; and to elect those candidates ready to display the leadership and make the difficult compromises necessary to create a lasting peace, and allow Bosnia and Herzegovina to take its rightful place in Europe.

9. I and my Office press on with our task of civilian implementation. My regional Offices in Mostar, Tuzla, Brcko and Banja Luka continue to promote regional co-ordination and monitoring of the situation on the ground and to facilitate contracts at a local level, assisting inter-Entity cooperation. Given the positive developments in the RS I intend to reinforce further the regional office in Banja Luka.

10. During the period described the termination of assignments of the majority of international staff seconded to my Office by the respective Governments resulted in a substantial turn over of personnel. The capacity of my Office to maintain its effectiveness depends on the continued willingness of Governments to maintain their current level of commitment. I am grateful to the Governments which have replaced or extended the terms of duty of secondees and hope that a steady contribution in this regard will be maintained.

Peace Implementation Council

11. The Steering Board of the Peace Implementation Council (PIC) has continued to meet on a regular basis at the level of Political Directors of respective Foreign Ministries. I have also continued to convene weekly meetings of the Board at ambassadorial level in Sarajevo. The meeting held in Sarajevo on 29 April dealt with refugee return, financial aid to the Republika Srpska and the September election. A meeting of Foreign Ministers of the Steering Board of the Peace Implementation Council took place in Luxembourg on 9 June and set out concrete requirements for the acceleration of peace implementation for the remainder of 1998, including a clear plan of action to review and track progress in meeting specific goals. The Conclusions of the Luxembourg meeting have been distributed as a Security Council document. They highlight the following peace implementation priorities for the remainder of 1998:

- The acceleration of refugee and displaced person returns in a phased and orderly manner in accordance with the Peace Agreement.
- Police and judicial reform.
- The acceleration of economic integration and reform.
- Free and fair nation-wide elections in September.
- The implementation of the High Representative's media strategy.
- The strengthening of governmental institutions at all levels.

A full meeting of the Foreign Ministers of the Peace Implementation Council will be held in Madrid in December 1998.

III. Coordination of civilian implementation

Overall Co-ordination

12. I have continued extensive consultations with representatives of governments and organizations at different levels. On 11 May, I met senior UN officials in New York and on the same day reported to the members of the Security Council on progress in peace implementation. I have also had meetings with the Secretary General of NATO.

13. Regular discussions with the Principals in Sarajevo have been maintained. These consultations, with participation of the Special Representative of the UN Secretary General, the UN IPTF Commissioner, the UNHCR Special Envoy, COMSFOR and the OSCE Head of Mission, continue to be very useful and I intend to maintain them.

14. *The Economic Task Force* (ETF), which meets under my chairmanship, remains the main body for co-ordinating economic reform policies and international reconstruction assistance. The ETF brings together key donors in the international community and from my Office to discuss economic policy issues in a timely and coordinated fashion.

15. *The Refugee Return Task Force* (RRTF) structure requested by the Bonn PIC is now fully operational. A Central Secretariat has been established, and a further local office was opened in Derventa on 26 June. The RRTS's Action Plan was endorsed by the Donor Conference held in Brussels on 7–8 May. Following the Ministerial meeting in Luxembourg on 9 June the RRTF has been required to strengthen its links with neighboring countries in the region. An initial planning meeting with representatives of UNHCR and OSCE from Bosnia Herzegovina and Croatia was held in Sarajevo on 16 June.

16. Cooperation with, and coordination of international organizations has been greatly enhanced by the creation of the Inter Agency Planning Group, chaired by a senior representative of my Office. This body, by bringing together military and civilian organizations on a weekly basis, has allowed rapid and responsive planning to take place in a rapidly changing environment. The active involvement of SFOR in this group has ensured that the political/military cooperation on which successful implementation depends has been further strengthened.

17. The members of the *Human Rights Task Force* have continued to work to address the priorities set for 1998, both individually and through the work of the Human Rights Coordination Center and its Steering Board.

Common Institutions of Bosnia and Herzegovina

18. The Presidency, the Council of Ministers and the Parliamentary Assemble have continued to meet regularly in the last months. Although the efficiency of their work continues to be hampered by insufficient political cooperation among the officials, there has been progress in institution — building.

19. On 12 June, the former Parliament Building in Sarajevo, partially renovated with financial contributions from the European Commission and the World Bank, was officially opened as the seat of the common institutions. The common services of the Council of Ministers moved into the building which should house, after the September elections, the plenary meetings of the common institutions and part of their administrations.

20. In the reporting period, *the Presidency* held few working sessions, but met frequently with high-ranking international delegations. Decisions of note were the approval of the proposal by my Office to establish a permanent location for common institutions at the former Parliament Building in Sarajevo (24 April) and the liquidation of the National Bank of Bosnia and Herzegovina (28 May).

21. The *Council of Ministers* meetings during this period have been increasingly focused and professional. The main overall emphasis was on the continued implementation of the Council of Ministers Law, through proper staffing and establishment of the Ministries consistent with their new organizational plans. The Council has benefited greatly from the assistance of its new International Coordinator, who has worked closely with the Chairs to rationalize procedures, hire staff, and finalize the move of the Council's Services into their new offices. As these improvements proceed, the Council's effectiveness and efficiency should also increase. Other important issues dealt with by the Council are the implementation of the Law on Travel Documents and the adoption of the draft Law on Privatization.

22. At its eighth session of 27 April, the *Parliamentary Assembly* adopted the State Budget for 1998 and established a Commission to investigate Inter — Entity Crime and Corruption. At its ninth session on 18 May, the Assembly adopted the Law on Foreign Investments which I has previously put into force on an interim basis.

23. It failed, however, to adopt the law on the Coat of Arms of Bosnia and Herzegovina. As a consequence, I decided to enforce the Law on Coat of Arms on an interim basis. The new Coat of Arms follows the design of the flag.

24. In its session held on 5 June 1998 the *Constitutional Court* laid down two decisions in respect of appeals in cases decided by the Human Rights Chamber of Bosnia and Herzegovina and a decision on the right of one of the Co-Chairs of the BiH-Council of Ministers to initiate proceedings before the court. The judges are working with efficiency and professionalism. They agreed by consensus to extend the mandate of the first President of the Court in order to continue the process of bringing the Court to full operational capacity. A serious obstacle, however, is the failure of the BiH-authorities to make adequate resources available to the Court. The next session will be held on 14 October 1998.

25. Since my last report, the *Standing Committee for Military Matters (SCMM)* has held its sixth and seventh sessions. Progress as been made on a proposal to allow cross-IEBL helicopter flights for VIPs and the Secretariat has worked up a new six month program for approval at the next meeting. Regrettably the issue of Defense Attaches has had to be passed to the Presidency after an agreed compromise was derailed by Bosniac withdrawal of consent. Within the Secretariat itself, considerable progress has been made towards self-sufficiency, with the char being handed from my SCMM Coordinator to the advisor of the presiding Member of the Presidency. Also, pending the move of the institutions to the former Parliament Building, Secretariat meetings have moved from the neutral ground of my offices to other locations in BH. So far meeting have been held in Pale, Novi Travnik and Tuzla, and have all been characterized by a positive and businesslike atmosphere.

Essential Legislation

26. My Office is now preparing a list of basic legislation, which will help entrench the rule of law, as envisaged in paragraph 109 of the Luxembourg Conclusions.

27. The work on drafting laws on various subjects is proceeding well. A draft Telecommunications Law was agreed upon and the draft signed by all participants, representing both the state and the Entities and all constituent peoples, at a workshop held in Geneva in early July, sponsored by the ITU, EBRD and my Office. The draft will be forwarded to the Council of Ministers very soon. The draft Immigration Law is also ready, and has been discussed with the Ministers concerned. This draft will be sent to the Council of Ministers very shortly. The Aviation Act is very near completion. As for citizenship legislation, the Citizenship Law of the Federation of Bosnia and Herzegovina has been discussed at several meetings and a draft is completed. We hope to start work soon together with the Council of Europe to assist Republika Srpska to develop their citizenship law.

28. My Office is studying with experts of the Venice Commission different aspects of the constitutional provisions in respect of the election of the presidencies in Bosnia and Herzegovina as well as in the Federation of Bosnia and Herzegovina, which will be an essential part of the permanent electoral law. A working group including domestic and international experts shall then draft the final version on the basis of the proposal from my Office.

29. An *Independent Media Commission (IMC)* was established, continuing our efforts to ensure the principles of objectivity, transparency, non-discrimination and proportionality in the media.

30. The role of the IMC is to establish a regulatory regime for broadcasters and other media in Bosnia and Herzegovina. The IMC will work to promote pluralism in the media and to ensure that broadcast licenses are issued and regulated without political interference.

31. My Office, together with experts from the UN and experts appointed by the Council of Europe, have assisted working groups in both Entities to draw up a Criminal Code and Criminal Law Codes which are in conformity with the European Convention of Human Rights. In the Federation Codes are currently before the House of Peoples, while the Republika Srpska-codes should be submitted to the National Assembly by the end of summer.

32. Currently the Rector's Conference of Bosnia and Herzegovina is the only coordination structure for higher education in the country. It aims to represent all universities in the country. My Office encourages the Conference to become fully operational.

33. My Office is continuing its efforts to coordinate the drafting of different commercial and capital market laws by USAID and experts of the European Union. Several laws have been presented by USAID to the Federation Government and are now being considered for adoption.

34. Due to the on-going efforts of my Office an important Memorandum of Understanding concerning Water Issues was signed on 2 June and the Entities have formed a Joint Commission for Water Management. Since last year, my Office has brought the Entity ministers responsible for the environment together for discussions and on 14 July, my Office concluded a Memorandum of Understanding on Environmental Matters between the Entities.

Special Parallel Relations and Succession Issues

35. Bosnia and Herzegovina and the Republic of Croatia concluded an *Agreement on Establishment of an Inter-State Council for Cooperation* on 30 March 1998. This agreement shall supersede the *Agreement on the Establishment of the Council for Joint Cooperation* between the Republic of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina and the Republic of Croatia of 14 December 1995.

36. My Office was informed recently about a proposal for an *Agreement on Special Parallel Relations* between the Federation of Bosnia and Herzegovina and the Republic of Croatia. Such an agreement is in certain respects inconsistent with the Constitution of Bosnia and Herzegovina and the division of competencies between the common institutions and the Entities. The parties involved have been informed accordingly. My Office is monitoring the situation closely.

37. Discussions on the compromise mini-agreement package on *succession issues* put forward by the Special Negotiator at the end of March failed to lead to any consensus: four delegations accepted the package but one (FRY) had substantial objections to it. Only very limited progress has been made regarding effective access to records and data relevant to succession issues, although the FRY has decided in principle to make certain documents available.

38. In its Declaration of 9 June 1998, the Ministerial Meeting of the Steering Board of the PIC noted with concern the lack of progress in arriving at a consensus on substantive issues of succession. It stated that these negotiations cannot continue indefinitely. It supported my recommendations for a pause in the negotiations until the end of September to be followed by a further negotiating session on the basis of the draft Framework Agreement of 13 November 1997, should appropriate conditions exist. After that session, the Steering Board will, if necessary, revisit the question including the option of referring key outstanding issues to arbitration. In addition, consideration may be given to pursuing steps to distribute relevant assets held abroad.

39. On access to records, the Steering Board renewed its request made by the (Bonn) PIC and stressed the importance of full compliance with it, and without delay. Such a move would enable negotiations on the draft Framework Agreement to proceed effectively and on an equal footing.

Brcko Dispute

40. In accordance with the Supplemental Award of 15 March 1998, the Supervisor of Brcko and his staff have pursued a vigorous policy of implementation. Both Entities improved in their cooperation with the Supervisor, though major responsibility for implementation lies with the Republika Srpska. Security conditions for return have been generally satisfactory — no major incidents on inter-ethnic grounds occurred during the reporting period.

41. Freedom of movement, both in the Zone of Separation (ZOS) and through and within the Brcko city limits for vehicles other than Serb-Entity registration, is steadily improving.

42. The return of displaced persons (DPs) and refugees is now taking place in a greater number of areas, including Brcko proper. To date 2,998 applications for return (approximately 12,000 persons) have been approved and more than 1,072 Bosniac and Croat families (an estimated 4,000 persons) have returned.

43. The problem of dealing with DPs occupying returnees' houses has grown. The tempo of returns from the Federation to the Brcko area could be higher is Serb DPs in Brcko, now living in abandoned Bosniac and Croat houses, were willing to contemplate return to the Federation, where an appropriate security environment, jobs, and other social benefits in the Federation would be made available. Along with some artificial bureaucratic impediments, the Federation requirement that Serb DPs produce a certification as "where they have been since 1991" does nothing to reduce anxiety among Serb DPs contemplating returning to the Federation.

44. The milti-ethnic administration, judiciary and police were fully staffed by the end of June and are now operational — accordance with the Supervisor's orders. All three ethnic groups appear to work satisfactorily together, especially in the police and judiciary. The multi-ethnic police expanded their operation to include mobile and static multi-ethnic patrols, both in the ZOS area and in Brcko proper. Two major problems remain to be resolved: lack of essential equipment, such as radios and weapons; and the sizable disparity between Serb policemen's salaries (very low) and the original salaries of the other two ethnic groups carrying out the same jobs in the Federation.

45. The revitalization of Brcko's economy envisaged both in the first Arbitral Award and in the Supplemental Award is directly related to a peaceful return process and progress in enhancing democratic institutions in Brcko: multi-ethnic administration, judiciary and police and other establishments, financed by the Brcko Municipality budget. To make this happen a certain number of Serb employees had to be laid off in order to employ Bosniacs and Croats. There are no alternative jobs for those laid off. Returnees, steadily increasing in numbers, also have no job opportunities. All this may contribute negatively to the stability and peace between the three ethnic communities and should be addressed through improving their economic outlook.

46. Although my Brcko office and other international organizations in Brcko are achieving steady progress in reconstruction of the municipal infrastructure, housing reconstruction, and micro projects (including small business promotion), Brcko's economy remains stagnant and lacks substantial employment opportunities. Brcko is in critical need of employment opportunities to support the multi-ethnic administration and returnees and to deter the potential for social unrest.

47. In order to make significant headway toward revitalization of the economy before the final arbitral proceedings begin at the end of 1998, a special economic zone and a privatization process must be established. For this to happen, increased and steady support of the international donor community will be necessary.

Joint Commissions

48. The activities of the Provisional Election Commission (Annex 3), chaired by the OSCE, are referred to in the elections sections of this report.

49. At the 8th and 9th sessions of the *Commission to Preserve National Monuments in Bosnia and Herzegovina*, held respectively on 8-9 May in Paris, and on 29 June in Mostar, the list of monuments was extended to 110, and the Commission examined a preliminary report on legislation prepared by UNESCO, with a view to providing Bosnia and Herzegovina with the necessary legal apparatus to protect its cultural heritage. Moreover, at the June session the Commission drafted a letter to the competent authorities in both entities requesting that they take the necessary steps to protect the sites of monuments which have been totally destroyed, and inform the Commission of the measures taken.

Federation Issues

50. My Office continued to focus its attention on Federation issues. A meeting of the Federation Forum was held in Mostar on 16 April. Agreements were reached on a wide range of issues including Mostar returns, the continuing dissolution of parallel structures and separate financial channels as well as initiation of the second phase of municipal reform. My Office continues to follow up the implementation of these agreements.

51. As a result of the Federation Forum, Governors and Vice-Governors of the Central Bosnia and Herzegovina-Neretva Cantons have successfully paid joint visits to the municipalities in their Cantons to accelerate the merging of parallel municipal administrations with specific attention to the continued existence of parallel structures, full functioning of joint municipal administrations and implementation of Canton return plans. Results are, however, still limited.

52. An Inter-Ministerial Commission has been established to begin the second phase of municipal re-organization, consisting of representatives of the competent Federation Ministries, as well as the Council of Europe and my Office. This Commission held its first meeting on 25 June and will continue, with the aim of concluding its work by 31 December 1998.

53. The most numerous minority return movement of the first months of 1998 was to Drvar. These returns were, however, accompanied by an increasing number of house burnings and security incidents, including the murder of two elderly Serbs on 15 April. In light of the continued failure of local authorities to provide sufficient security in the municipality, the Deputy Mayor of Drvar and the Chief of Police were removed from office.

54. During an organized riot on 24 April, the Drvar municipal offices were attacked, and the Serb Mayor attacked and wounded. Some houses as well as the local offices of my Office, the UN IPTF, UNHCR and OSCE were also attacked and severely damaged by Gre.

55. My Office, in close co-ordination with all the major implementation agencies, took measures to assert the international presence in Drvar, to re-establish a secure environment, to initiate investigations to identify the perpetrators and to make it possible for the return process could resume. I have appointed a Resident Envoy to monitor and help stabilize the situation in Drvar.

Republida Srpska

56. The period between April and June saw a consolidation of the position of the new RS government, and the strengthening of the political parties forming the government coalition, at the expense of the previously ruling hard-line parties. The Government strengthened its control over the police, as well as the military, the judiciary and the customs authorities.

57. The RS National Assembly passed some essential legislation required by the Peace Agreement. The Government coalition managed to block any attempt by the SDS led-opposition to derail progress. In June, it voted to remove the representatives of the SDS and SRS from their positions as President and Vice-President of the Assembly, which they had use to obstruct the passage of essential legislation, and replaced them with representatives from a moderate RS party and a Bosniac from the Federaton-based Coalition respectively. For the first time in post-war BH, there is now a Bosniac Vice-Speaker of the RS Assembly.

58. In June, the three Serb Government parties formed the Sloga coalition. They are confident that they will strengthen their position in the upcoming September elections and thus create conditions for a further progress in peace implementation in the RS.

59. I am, however, concerned that the RS Prime Minister and the RS President should live up to the promises which they have made. Minority return into RS municipalities remains negligible, mainly due to the fact that many municipalities are still dominated by the old nationalistic forces of the SDS. However, the RS Government failed to honor its political commitment as regards the adoption of the so-called property laws, which are the bases for refugee return, as well as to make progress on the envisaged restructuring of the police forces.

Elections

60. Since my last report, the regulatory work of the Provisional Election Commission for the 1998 general elections has been almost completed, except for the sections on voting and counting. In addition to the changes I mentioned in my last report, the Provisional Election Commission has reduced the term of office to two years for all levels of government, except for the Bosnia and Herzegovina Presidency, which is regulated in the Bosnia and Herzegovina Constitution. The Chair of the Presidency will rotate every eight months. According to the new rules at least one third of the first ten candidates on a political party or coalition list must be women; candidates are obliged publicly to disclose their own and their family's financial assets; and paid media advertising is prohibited.

61. The voter registration period has closed, as has the period for the registration of political parties, the forming of coalitions and alliances as well as the submission of candidate lists. In order to reflect the rapidly changing politicel landscape the Provisional Election Commission extended the period for the registration of parties separating from already existing parties until 1 July 1998. The New Croat Initiative (NHI), headed by the Croat Member of the Presidency, has applied to register as a party.

62. In addition to preparations for the 1998 elections, monitoring of the implementation of the 1997 municipal elections results continues. In June, the Provisional Election Commission extended the period to revoke Final Certification until the next municipal elections are held in September 1999. This measure will help to apply pressure to ensure that municipal councils/assemblies function efficiently and the voluntary return of displaced municipal officials to the municipalities takes place.

Media

63. For the past three months my media strategy has continued to be based on a three-pillared approach, namely (1) re-structuring of the media environment and the creation of a regulatory framework, (2) support to the independent media and provision of alternative sources of information, and (3) a public service information campaign designed to break the control of the government and political parties of the media environment. We are now making progress in our primary objective of redressing the balance of access to objective information, and along with the OSCE have agreed strict guidelines for fair and equitable access to the media in the pre-election period.

64. First Pillar. As regards the re-structuring and regulation pillar of my strategy, the restructuring process at Srpska Radio Televisija (ERT) has provided for more balanced reporting of events in the Serb Entity. The new Board of Governors led by the International Administrator continues to function effectively. Since the appointment of the administrator, the evening news program no longer airs inflammatory political commentaries. However, the restructuring process at SRT has been hampered by a lack of financial and technical resources and I urge donor governments not to neglect this important technical part of the restructuring process.

65. Due to the improvement in the political climate and the success of the restructuring effort, SFOR troops have withdrawn from all but two of the SRT tower sites which were taken over last year, and early withdrawal from remaining towers is envisaged.

66. The reform of RTV BiH has been the main media restructuring activity of the reporting period. The aim of this reform has been to protect the television from direct political control and to enfranchise the main communities of the Federation and the whole of Bosnia and Herzegovina in accordance with the Dayton Peace Agreement. Two of the three members of the collective Presidency, Alija Izetbegovic and Kresimir Zubak, signed a Memorandum of Understanding undertaking to support a reorganization of RTV BiH. The leadership of the Trade Union of RTV BiH also signed the Memorandum. The MOU calls for the establishment of a public broadcasting corporation reflecting the constitutional structure of BiH. Until the corporation is established, an interim Board of Governors and an international administrator will begin restructuring the television network. The High Representative will ratify the Board of Governors and appoint an international administrator.

67. The Independent Media Commission (IMC) was officially established on 11 June by a Decision of the High Representative. Th IMC was formed in accordance with Annex 10 of the GFAP and in accordance with the Bonn PIC Conclusions. The Decision sets out the authority of the IMC to assign broadcast frequencies across BiH, issue broadcast licenses and to

enact a press code for print media. As part of the Decision, a moratorium on new licenses was declared to allow for the IMC to assess the current state of affairs in the broadcasting sphere.

68. The aim of the IMC is to ensure that all broadcasters and media outlets in the country conform to a set of minimum standards based on Western democratic principles and law. After a transparent recruitment process, a Director General was selected as well as other experts to lead the departments. Th IMC has held press conferences to explain its work and continues to consult with broadcasters about the details of a code of practice, which is expected to be released on 1 August.

69. Second Pillar. My Office has, over the reporting period, put in place a procedure for the systematic assessment of existing and new independent media, with a view to ensuring a fair distribution of international support. My Office has tried to direct assistance to areas which lack alternatives sources of information, apart from those controlled by local authorities. This strategy would benefit greatly from better coordination among donor governments on projects being selected for financial assistance among the independent media. My Office will work to promote that in the coming months.

70. The most ambitious independent media project supported by the international community over the period, in line with objectives set out in previous reports, was the television channel the *Open Broadcast Network (OBN)*. Due to phased donations by the international community of financing and programming, the channel has now established a firm foothold on the BiH media scene. This is confirmed by independent polling and research. Unpredictability of funding has been partially overcome in the reporting period, enabling the channel to set a firm and coherent programming and news schedule, at least until the end of this year. The OBN has also made significant progress in increasing marketing revenue, and is now firmly on the way to becoming a fully-fledged commercial channel. The OBN's commercial viability will, however, remain linked to the economic development in BiH as a whole and its long-term sustainability will depend on achieving a balance between a gradual phasing out of international donations and targeted commercial revenue.

71. Third Pillar. the Public Service Information Campaign (PSIC), which makes up the third pillar of my strategy, aims to provide clear, unbiased information, via commissioned programming and advertisements, on a series of themes. The issues treated in the PSIC underpin the main areas of work undertaken in the civilian area in support of the Peace Process. The messages have been designed by programming professionals to be clear and accessible to the public. Both the advertising and programming strands of the campaign are now partially completed, and are being broadcast by all media in the country. New advertisements and programs, pursuing the themes already developed, will continue to appear.

Return of Refugees and displaced persons

72. Returns have been slower than expected in the first half of 1998. The UNHCR had set a target figure of 50,000 minority returns for the first six months of the year. The actual figure is closer to 11–15,000.

73. As outlined in the RRTF Action Plan, the primary obstacles to return remain a lack of political will on the part of the authorities, the absence of a sense of personal security for minority returnees, housing shortages, a general lack of employment opportunities, and legal and administrative problems.

74. The Banja Luka Conference on Regional Return marked the first in a series of steps to promote regional return. The Conference set out the requirements for accelerated return between from Croatia and Bosnia and Herzegovina and from FR Yugoslavia to each of these two countries. The emphases was on the adoption of concrete return plans and the implementation of appropriate legislative, administrative, and social frameworks.

75. Croatia's adoption of a new return programme on 26 June 1998 marked a further step towards the realisation of regional return. While failing to address all the issues raised at the Banja Luka Conference, the Croatian return programme is promising and may yield significant returns if implemented in good faith. The RRTF is strengthening its links with key actors in Croatia with a view to assisting in its implementation and in expediting cross-border return.

76. Also on the 26th June, The United Nations High Commissioner for Refugees hosted the Humanitarian Issues Working Group in Geneva. The meeting reviewed and endorsed the High Commissioner's Regional Return Strategy and underlined the importance of minority return as hey to solving the overall return problem in the countries of former Yugoslavia. As my Deputy pointed out at the Humanitarian Issues Working Group (HIWG) however, the planning phase is over now. It is now results that count.

77. Implementation of the Sarajevo Declaration has so far been poor. The authorities refuse to address systematic problems in the housing allocation system, adopting a burdensome and opaque approach instead of dealing with individual cases one by one. US and European Union assistance for Sarajevo has been suspended as a consequence of non-compliance. I will brief the Steering Board of the Peace Implementation Council in full on 22 July 1998, and discuss with them a package of possible measures to rectify the situation.

78. In a positive development, cross-Inter-Entity Boundary Line (IEBL) returns are picking up pace. Bosnian Serbs have returned to places like Bosanski Petrovac, Sarajevo, Drvar, and Central Bosnia. Bosniak and Croat returns are taking place into the north-western part of the Republika Srpka in modest numbers, and are expected to accelerate over the summer as reconstruction programmes finish and more accommodation becomes available. The European Commission's 1998 programme in support of return is a key factor in generating new housing space and supporting infrastructure.

79. For the remainder of the year, I will continue to apply strict conditionality in support of return. I will no hesitate to use my authority to remove officials who try to prevent returns. I remain convinced, however, that 1998 is not the only year of return, however. The return of Bosnia and Herzegovina's refugees and displaced people will take years. The prospect of the September elections may be contributing to this delay in the return process, as government leaders shrink from previous commitments to allow significant minority returns for fear that these might adversely affect their political fortunes.

Freedom of Movement

80. The implementation of the Uniform License Plate System is proceeding well. To date, two thirds of vehicle owners in BiH have been issued with the common license plates. To achieve this, a series of high-level interventions by my Office and the UN IPTF has been required. In accordance with the Bonn PIC Conclusions, I asked the Peace Implementation Council Members to permit only vehicles with the new license plates to cross international borders after 1 June. As a result of the introduction of the new license plates, which do not reveal the place of origin or ethnicity of the car holder, freedom of movement across the IEBL has increased substantially during the reporting period.

81. Progress on freedom of movement across the BiH borders into Croatia for BiH citizens resident in the RS and displaced Serbs from Croatia in the Entity has not been satisfactory. This issue has been raised frequently with the Croatian Government, which has announced that there will be no further discrimination against RS residents bearing new Bosnian passports. However, the Croatian Government maintains visa and other impediments for bearers of other travel documents resident in the RS.

82. Infrastructure issues continue to require the attention of my Office. Resumption of normal railway traffic between BiH and Croatia has yet to come into effect. The agreement on border rail traffic has recently been submitted to the Ministry of Civil Affairs and Communications for approval by the Council of Ministers and discussion with the Croatian authorities. The recently formed public corporation for railways has signed a similar agreement with Croatian Railways, although it should be noted that this public railways corporation has yet to formalise a book of rules governing its operations.

83. The decree on the regulation of inter-Entity bus traffic was signed in April. Instructions are now being drawn up for implementation of the decree. Meanwhile, no new inter-Entity bus lines have been approved.

84. A protocol addressing regulation of navigation on the River Sava has been prepared and submitted to the Ministry of Civil Affairs and Communications for consideration and further discussion with Croatian authorities. This protocol awaits approval.

85. Bridge programs for reconstruction of Una and Sava river bridges have been identified. However, at this time, no bridges have been reconstructed and numerous temporary structures are in use. Seven bridges are under consideration by the EC, two by USAID and one bridge is currently under reconstruction under a World Band project. Efforts to co-ordinate reconstruction projects through the involvement of the donors and representatives of Croatia, Bosnia & Herzegovina and the local authorities have yet to be realised.

Police issues

86. Regrettably no major improvements have taken place during the reporting period in relation to police restructuring in the Federation. Of particular concern are two of the Federation Cantons, which continue to exist without Ministries of Interior having been inaugurated. UN IPTF has however made progress in relation to the Federation Ministry of Interior. Inauguration of the Ministry is expected shortly.

87. In accordance with the Bonn PIC Conclusions and the Declaration of the Luxembourg Ministerial meeting of the PIC Steering Board, my Office prepared, in cooperation with UN IPTF, the necessary draft legislation for the establishment of a border police of BiH, which is about to be submitted to the Council of Ministers for discussion and adoption.

Missing Persons, Mass Graves

88. The issue of missing persons remains very sensitive and is frequently manipulated by different groups for political purposes. The Working Group on Missing Persons, chaired by the ICRC, continue to make it possible for representatives of the family associations to have direct contract with the relevant local authorities.

89. An important step forward has been made by the Joint Exhumation Commission, chaired by my Office. The Commission, comprising representatives of the three parties, is the principal forum for inter-Party exhumations. During March, it became possible to conduct exhumations for the first time without total reciprocity. The RS team started exhumations in Jajce on 2 March, the Croat team began their exhumations in the area of Kakanj two days later and the Bosniac team — in West Mostar, in the middle of March. The work continues in a co-operative manner. So far approximately 250 bodies have been exhumed in 20-30 micro locations in 4 main areas since the beginning of March.

90. The exhumations are performed with the help of the international community. Physicians for Human Rights assists with technical and scientific expertise, sponsored by the International Commission on Missing Persons, who also provide funds for de-mining and forensic materials. The UN assists with mine assessment visits to the sites and the UN IPTF monitor the local police, who are responsible for security at the sites. SFOR provide area security and emergency evacuation capability.

Human Rights

91. I am pleased with the continuing progress being made towards the goal of securing adequate and stable funding for the *Human Rights Chamber, The Human Rights Ombudsperson and the Commission for Real Property Claims (CRPC)*. Greater financial security has enabled the institutions to deal more effectively with their rapidly growing caseload. However, the commitment by the Bosnia and Herzegovina Government to contribute DM 200,000 to each institution from its 1997 budget and DM 500,000 from its 1998 budget has not yet been met. My Office is continuing to work with the government to ensure that this obligation is fulfilled.

92. There is still a serious lack of cooperation on the part of the authorities in ensuring that the decisions and recommendations of these institutions are effectively implemented. After a long delay, an agent to represent the State in proceedings before the Chamber was finally appointed. Unfortunately, one has still not been appointed for the Ombudsperson. My Office is continuing its involvement in monitoring authorities' responses and coordinating intervention in cases in which the authorities have failed to meet their obligations. Mechanisms and strategies to ensure respect for the final and binding decisions of the Human Rights Chamber and the Commission for Real Property Claims as well as implementation of recommendations by the Ombudsperson and the Federation Ombudsmen must be strengthened. Implementing legislation for the Commission for Real Property Claims has been drafted and legislation on behalf of the Commission on Humen Rights is also under consideration. Coordination and cooperation among the institutions is good and measurable progress has been made in terms of the institutions' impact in contributing to the respect for human rights and the rule of law in Bosnia and Herzegovina.

93. My Office is extremely concerned by the increase in the number of incidents of destruction of property and violence directed against returnees and minority residents, in municipalities such as Drvar, Stolac and Travnik. The murder of an elderly Bosnian Serb couple attempting to return to Drvar in April, the organised violent assault against Bosnian Serb returnees and members of the international community on 24 April in Drvar, as well as a car explosion in Travnik resulting in the death of a Bosnian Croat police officer and the wounding of his Bosniac police partner, have been strongly condemned by the international community. These incidents underscore the failure of local and national authorities to assume their responsibilities for ensuring a secure environment essential for implementation of Annexes 6 and 7 of the Peace Agreement. Allegations of human rights violations by local police continue to be reported in both Entities. In response to the serious allegations of abuse in police custody in Teslic, however, the joint UN IPTF and RS police investigation has led to the suspension of members of the police force in Teslic. It is hoped that the actions taken as a result of this joint investigation will send a clear message to the authorities in both entities that such acts will not be tolerated.

94. An agreement was reached between the two Ministries of Education in May regarding a review of all textbooks in use in primary and secondary schools (with the exception of textbooks for mathematics, science and technical vocational courses). Under the Agreement, coordinated by my Office with the assistance of UNESCO, the Council of Europe and the World Bank, expert teams have been established by the Ministries to review the textbooks in order to identify offensive material which should be removed in advance of the upcoming school year. My Office is also working with these international organizations to ensure necessary curriculum reform in both entities.

95. While the adoption of the property and housing laws in April by the Federation National Assembly has put in place the essential legal framework for return of refugees and displaced persons to their pre-war homes, implementation of these laws has been slowed by numerous forms of deliberate obstruction. In the Luxembourg Declaration, the Steering Board urged the Federation authorities to take immediate steps to ensure full implementation of the legislation.

96. The Republika Srpska government has failed to date to fulfil its commitment to ensure that draft property and housing laws, which are essential to return and to peace implementation generally, are adopted. A deadline of 31 August was set in Luxembourg for draft legislation acceptable to my Office to be finalized and passed by the National Assembly. My Office will continue to work to ensure that this deadline is met.

Strengthening the Rule of Law and Co-operation with ICTY

97. Recent developments in the area of judicial cooperation have been encouraging, particularly with the signing of the Memorandum of Understanding on Legal Assistance between Institutions of the Federation

and Republika Srpska on 20 May. Further, the Inter-Entity Legal Cooperation Commission, established by the BiH Presidency in February 1998, held its inaugural session in June. Once fully established, the Commission will provide a forum in which concrete recommendations will be made as to how to expand and improve legal cooperation between the Entities as well to provide advice on the implementation of the Memorandum of Understanding on Legal Assistance.

98. Despite the PIC Conclusions in Bonn, which called for the Federation to adopt the new Federation Criminal Code and Criminal Procedure Code by 31 January 1998, both codes have remained under consideration by the Federation Parliament for more than four months after this deadline. In Luxembourg, the Steering Board therefore called upon the Entities to bring the current, first phase of the Criminal Law reform to completion and urged the Federation and RS to enact new criminal codes and criminal procedure codes by 30 June 1998 and 31 August 1998 respectively. The Federation has failed to meet its deadline of 30 June, despite nearly a half-year extension. Both laws are essential for effective protection of the rights and freedoms set forth in the European Convention on Human Rights and its Protocols as well as for the functioning of the judicial systems in Bosnia and Herzegovina. My Office has intervened strongly to ensure adoption by the Federation of these laws and will continue to place pressure on the Republika Srpska to meet its obligations under the Luxembourg Declaration.

99. In accordance with the Bonn PIC Conclusions, my Office has continued to work to ensure a comprehensive and coordinated approach to judicial system reform. While progress has been made in this field, I remain concerned that judicial reform efforts are not proceeding quickly enough to address the urgent needs of the peace process. For example, the inability of the legal system to address violence which threatens the return of refugees and displaced persons must be addressed. In addition, there is a compelling need for reform of the judicial appointments system. Along with other international organizations, my Office has intervened to ensure that judicial appointments are made on the basis of professional qualifications, rather than political criteria. However, a more systematic approach is necessary, and to that end draft legislation is being prepared to address this issue. Moreover, I have asked the Venice Commission of the Council of Europe for its Opinion on the question whether a judiciary at the state level needs to be established in order to hear, *inter alia*, claims submitted by persons whose interests have been prejudiced by actions of the BH institutions. If the Venice Commission's Opinion is affirmative, necessary legislative measures will have to be taken for the establishment of such a judiciary.

100. Also at Bonn, the PIC stressed that "monitoring of the judicial system is an essential element of this process" and called for "the necessary resources to be devoted to that task". Unfortunately, this appeal has not been met. Judicial system reform efforts continue to be hampered by the current ad hoc approach to monitoring, which does not provide the requisite information for effective targeting and development of reform programs. Comprehensive judicial system monitoring would increase the efficiency of all other efforts in this field, and itself acts as a deterrent against abuses.

101. Co-operation with ICTY continues with the detention of four Bosnian Serb indictees by SFOR troops during the reporting period, as well as the voluntary surrender of a Bosnian Serb indictee in April.

102. My Office has also continued its work in supporting efforts underway to reform the legal framework applicable to NGOs, to establish a proper legal and security environment which supports the development of civil society organisations. A working version of a new draft Law on Associations and Foundations was distributed in June for public discussion. This first distribution is primarily aimed at domestic NGOs in Bosnia and Herzegovina, the aim being to solicit their views on legislation that will crucially affect them. A sound legislative framework for NGOs is vital. Freedom of expression, association and peaceful assembly are fundamental to an enduring peace in Bosnia and Herzegovina. Expression of these rights through a vigorous civic society helps build social stability and respect for the rule of law. Appropriate legislation protects these rights and instills accountability.

Economic Reform and Reconstruction

103. The Luxembourg Declaration of the PIC Ministerial Steering Board stressed the importance of establishing an integrated economy in BiH, as well as moving the country towards a market-led economy. In this light, some important progress has been made in the period under review. However, the implementation of reforms in economic management has remained difficult.

104. A major step forward in creating the necessary conditions for sustained economic development was the approval by the IMF Executive Board on 29 May of a stand-by arrangement. Under the arrangement, a total of USD 82 million is made available to strengthen the financial position of the country in general and the Central Bank in particular. The loan will facilitate the realization of the 1998–1999 macro-economic program as presented by the BiH authorities. Further support for achieving key economic reforms in public finance is given by the World Bank; following the IMF agreement, the Public Finance Structural Adjustment Credit, totaling USD 63 million, was approved on 4 June.

105. The IMF stand-by loan provided necessary reserve funds for the Central Bank of BiH (CBBH). This in turn enabled the introduction of the Konvertible Marka (KM), the new common currency for BiH. The KM is pegged to the DM in a ratio of 1:1. This exchange rate is secured by the currency board constraints, under which all KM in circulation will be backed by DM or other convertible currency. The introduction of the KM took place on 22 June. Even though the initial introduction has suffered from some difficulties, I am confident that the KM will be reliable currency for all of BiH.

106. An essential part of the establishment of a fully independent CBBH is the liquidation of the former national bank, the NBBH. On 28 May, the Presidency of BiH approved the liquidation plan for the NBBH. The plan is now being carried out by an experienced liquidator.

107. A unified economic space is a pre-condition for the future economic development of BiH. It is therefore encouraging that the legal framework concerning all aspects of customs for BiH is nearly compleded. As of 1 January 1999, BiH will have modern customs procedures compatible with EU practice. The Customs and Fiscal Assistance Office (CAFAO), funded by the EC, is helping the local authorities to ensure proper implementation of the customs regime, and to improve the administration in all relevant fields and to increase customs revenues.

108. Apart from a unified customs practice, internal trade without barriers is a second essential component of the unified economic space. With active support of my Office, the Entities have started a constructive dialogue on issues concerning trade within BiH. Even though many barriers are to be removed, some initial results have already facilitated increased trade. In particular, the RS has amended its system of sales taxes and both Entities have removed restrictions to trade with the other Entity.

109. The Council of Ministers (CoM) has adopted the draft Framework Law on Privatization of Enterprises and Banks, drafted by my Office. This is an important step forward since the Law secures the legal environment for privatization programs to be implemented by both entities. The Law further stipulates that basic principles such as non-discrimination of DPs and refugees, transparency and public accountability need to be observed. In order to monitor that privatization process is in compliance with the GFAP and with this Law, I have established a Privatization Monitoring Commission which will make recommendations and which will report to me.

110. Significant progress has been made in the RS. After nullification of the privatization lottery a new privatization and capital market law package has been drafted with the assistance of the IC. These laws have been accepted by the RS Cabinet and were passed by the Parliament at the beginning of July, ahead of schedule.

Reconstruction

111. The fourth donor conference for BiH was held in Brussels on 7 and 8 May. A total of USD 1.2 billion was pledged by 30 countries and international organizations. My recommendation to the donors to increase

their financial effort in the RS, including the Eastern part, was well received, and also resulted in more reconstruction projects being initiated in the RS during the period under review.

112. Under my chairmanship, the Economic Task Forces and the sectoral Task Forces continue to co-ordinate the financial support offered by donors. The reconstruction projects already completed in 1998 now amount to USD 130 million, with an additional USD 600 million currently under implementation. Two thirds have been invested in the Federation, the share of the RS being now above one quarter of the total USD 730 million. Most of the remaining, USD 60 million has been spent at the national level in projects involving both Entities, essentially in the energy, electrical and telecommunications sectors.

113. Two thirds of this USD 730 million is spent on infrastructure repairs, transport, energy and water supply systems. The direct share of the RS represents about USD 130 millions for these three sectors only. Of the USD 60 million spent in the health and education sectors, 35% is going to the RS.

114. The funding of the infrastructure reconstruction has significantly increased in the RS in all sectors, with exception of the housing; of the total USD 121 million spent in reconstruction of houses and apartments, about 90% goes to the Federation. This is mainly related to the rate of return, which is much lower in the RS than in the Federation. The housing projects implemented or already finished in 1998 represent USD 6 million in the western RS and USD 2 million in its eastern part.

115. The Project Implementation Units established in both entities by the World Bank will help to co-ordinate and monitor the USD 170 million Second Electric Power Reconstruction Project designed to restore normal and reliable power supply in the country. Additionally, the World Bank approved in June a new USD 7 million credit line to improve forest management, which is part of a $20.2 million project co-financed by the EC, Norway and Italy.

116. The EBRD has secured a USD 20 million loan under the Telecommunications Emergency Reconstruction Project. The Bank seeks additional financing from donors (Switzerland, Japan, Norway, Italy and the Netherlands) to finance complementary equipment and materials for an estimated value of USD 20 million. Local operators will provide financing for an amount of approximately USD 10 million. The total allocated to Telecommunications Reconstruction is therefore approximately USD 50 million.

117. USAID' Business Development Program has approved DM 20 million in loans to private sector businesses. To date, this Program has approved approximately DM 200 million in loans to private sector businesses in both the Federation and the RS (87% and 13% of the total, respectively). This assistance has resulted in the creation of over 17000 jobs. To date, over 500 companies have received technical assistance on business planning, corporate organization, financial and quality management, marketing, and other business functions.

118. In April, the European Community approved 17 contracts worth USD 70 million with non-governmental organizations related to the implementation of EU-funded projects designed to facilitate the return of refugees and displaced persons. These projects were part of a wider USD 150 million 1998 return program funded by the European Commission.

119. Nearly half of the reconstruction effort is now financed through three main donors; the European Community, USAID and the World Bank. However, numerous governments, including non-European countries, are generously supporting the process on a bilateral basis. Besides donors, commercial companies feel increasingly confident about the future of the country and are increasing their involvement in the economy, with for instance the German company VW preparing the reopening of a car production facility in Sarajevo. The overall level of foreign investment is however very low.

Public Utilities

120. In the field of Public Utilities, limited progress has continued. The newly established railway Public Corporation has drafted internal rules and procedures and is starting to become operational. It has signed an agreement with Croatian Railways. However the Federation has still not prepared a new law on railways which would create the Federation railway company. Similarly the Republika Srpska has not amended its current law to bring it into line with the Peace Agreement. Railway traffic has not taken off mainly due to a lack of domestic demand. Moreover, there is still no agreement signed with Croatia and the State level to allow international traffic with BiH.

121. The decree on the regulation of inter-Entity bus traffic was signed mid-April. Instructions are now being considered for implementation of the decree. Meanwhile, no new inter-Entity bus routes have been approved.

122. A protocol addressing regulation of navigation on the river Sava has been prepared and sent to the Ministry of Civil Affairs and Communications for consideration and further discussion with Croatian authorities. Three months after the initial proposal, a protocol has yet to be approved.

123. Significant progress has been achieved in the field of telecommunications. A working group including all interested parties has agreed on a draft state law to be forwarded to the Council of Ministers. On 22 April a Memorandum of Understanding concerning the resumption of Inter-entity mail transports was signed. As a result postal exchange between Sarajevo and Banja Luka has been established on a regular basis. Similarly, a draft text on a Joint Corporation for electrical transmission is being prepared.

124. In line with the Bonn PIC conclusions, the OHR Anti-Fraud Unit was created in mid-April 1998 to assist authorities in identifying illegal activities and in coordinating international efforts in the areas of government transparency, corruption and organized crime. The unit has had some notable success both in the development of an overall anti-corruption strategy as well as in individual cases. The Unit has developed productive liaisons with local governmental agencies and international organizations to ensure a coordinated approach to all anti-corruption/transparency efforts in BiH and to implement an effective local anti-corruption system.

125. The Council of Ministers finally decided to tackle the issue of the implementation of the State budget. With the help of my Office, the Minister of Civil Affairs and Communications and his deputies agree with the Entities on a procedure to implement the budget as per the law, starting on 1 June 1998. For the last six months of the year, Entities will contribute to a central bank account and salaries will be paid according to the payroll of the Law of the Council of Ministers.

Budgetary support to the Republika Srpska

126. Both to boost economic recovery and as an incentive to the new Government to live up to its pledges to implement Dayton, I have urged the international community to provide funds to cover public service wage arrears. The RS Government has received budgetary assistance of nearly DM 27 million from six donors (EU, USA, UK, Canada, the Netherlands and Sweden). The program has covered the payment of wage arrears in the public service for seven months. The beneficiaries included General Administration (excepting Police and Army) and Education. The final portion of the whole budgetary support program was disbursed at the end of June in the newly introduced Konvertible Marka (KM) to help reinforce public confidence in the currency. A key condition attached to the budgetary support included accountability and transparency of these funds, cooperation with EC CAFAO in restoring customs and excise collection, and working with the IMF to implements an annual budget. The Government has cooperated in a satisfactory manner and fulfilled these conditions. These developments and other initiatives to pave the way for a market economy have enabled the RS Government to enter into a stand-by arrangement with the IMF which would provide a total of DM 100 million to the RS Government, a major step forward.

Mine Clearance

127. Both Entity Mine Action Centers are now established as bodies within the Entity Governments. This will be confirmed at a ceremony to mark the formal transfer of the UNMAC to the BiH MAC in early July, thus

completing the establishment of all the bodies asked for in the London PIC Conclusions on demining.

128. The results of the Mines, Ordnance and Other Warlike Material Amnesty were encouraging. In addition to a considerable quantity of these items being handed in, 2400 weapons were also given up, even though they were not the primary focus of the amnesty. In therefore seems worthwhile to pursue an amnesty specifically aimed at weapons. The BiH Authorities should be urged to enact legislation so that such an amnesty can be implemented by the Entities in conjunction with SFOR and the UN IPTF.

129. Three demining schools are now being established at Banja Luka, Travnik and Mostar. This marks significant progress by the Entity armies towards achieving mine lifting to recognized humanitarian demining standards. This will not only bring valuable resources to stretched clearance programs, but will also widen the choice for donors as to where their investment will be most efficiently used.

130. The Bonn PIC Conclusions called for the renunciation on the use of all landmines. However there is still no formal renunciation of the export or continued manufacture of anti-tank mines. This lack of commitment sends a confusing message to potential donors of demining resources. There is also still no confirmation that all mine information has been transferred to the BiH MAC. These matters are being pursued by the Board of Donors.

131. The Entity Ministries of Defense have made a presentation to the SCMM on the implementation of the Ottawa Treaty.

DOCUMENT S/1998/644

Report of the Secretary-General on the United Nations Preventive Deployment Force

[*Original: English*]
[*14 July 1998*]

I. Introduction

1. The present report is submitted further to paragraph 25 of my last report of 1 June 1998 [*S/1998/454*] on the United Nations Preventive Deployment Force (UNPREDEP) in the former Yugoslav Republic of Macedonia, in which I stated that it would be my intention to submit, by 15 July 1998, should the Security Council so wish, specific proposals on a possible strengthening of UNPREDEP's overall capacity, taking into consideration the situation in the region and the relevant Security Council resolutions, including 795 (1992) of 11 December 1992 and 1160 (1998) of 31 March 1998.

II. Recent developments

2. It will be recalled that peace and stability in the former Yugoslav Republic of Macedonia continue to depend largely on developments in other parts of the region and that recent developments in Kosovo have highlighted the danger of renewed violence in the area and the serious repercussions such violence could have upon the external and internal security of the Republic.

3. In my report to the Security Council of 2 July 1998 [*S/1998/608*], prepared pursuant to resolution 1160 (1998), increased concern was expressed that, unless hostilities in Kosovo are stopped, tension could spill across the borders and destabilize the entire region. I welcomed the diplomatic efforts being made at the international level to address the fundamental aspects of the situation, which can only be resolved through negotiation. Discussions are still continuing at the international level on the possible need for an expanded international military presence in the region and on the establishment of a comprehensive monitoring regime as a consequence of the situation in Kosovo.

4. Further to his letter of 15 May 1998 [*see S/1998/454, para. 22*], the Minister for Foreign Affairs of the former Yugoslav Republic of Macedonia, Mr. Blagoj Handziski, addressed a new letter to me, on 9 July 1998 [*S/1998/627*], reiterating his Government's recommendation for an extension of the UNPREDEP mandate for an additional period of six months, with the same mandate, structure and troop composition. The Government has endorsed the option of an eventual increase in the military as well as in the Civilian Police components, in consultation with the national authorities. Following its meeting in Bonn on 8 July 1998, the Contact Group, in its statement on Kosovo, also supported the extension of the mandate of UNPREDEP.

5. Since the start of the Kosovo crisis, UNPREDEP has intensified patrols along the borders with Albania and the Federal Republic of Yugoslavia and has also established temporary observation posts for 24-hour monitoring and reporting on activities at the borders throughout its area of operation [*see S/1998/454, para. 5*]. The imposition of these additional tasks has come at a time when the fulfillment of UNPREDEP's existing responsibilities have already stretched the reduced strength of the operation to the limit.

III. Recommendations

6. As stated in paragraph 23 of my report of 1 June 1998 [*S/1998/454*], I remain convinced that it would seem premature to proceed with a decision to withdraw UNPREDEP after 31 August 1998. Therefore, taking into account my recommendations set forth in paragraphs 7 to 9 below, the Security Council may wish to consider the extension of UNPREDEP's mandate for a further period of six months, until 28 February 1999.

7. In view of the constraints placed on UNPREDEP in monitoring and reporting on developments along the borders, referred to in paragraph 5 above, including the Kosovo stretch of the border, the Security Council may wish to consider increasing UNPREDEP's troop level by 350 all ranks. The majority of these troops, 230 in total, would be deployed at nine new permanently manned observation posts in the former Yugoslav Republic of Macedonia along the Kosovo

(Federal Republic of Yugoslavia) and Albanian borders. The troops would, in accordance with resolution 795 (1992), monitor and report on developments in the border areas, including those developments that would have a bearing on the implementation of the relevant provisions of resolution 1160 (1998).

8. A reserve of two platoons composed of approximately 60 soldiers would perform limited ground and air patrolling duties. The reserve would be centrally located and have sufficient capacity to react in a timely manner to any developments that might require immediate attention. Because of the remote positions of observation posts and the difficult terrain in the mountainous border areas, particularly during harsh winter conditions, the reserve should be complemented by a 35-man medical unit and three helicopters to enable the Force to respond promptly to emergencies involving UNPREDEP personnel.

9. In view of the important confidence-building role played by the military observer and the civilian police elements of UNPREDEP, the Security Council may also wish to consider increasing their strength by an additional twelve and twenty-four personnel respectively. The strengthened military observers and civilian police elements would intensify community and border patrols as well as monitoring and reporting of the situation at border crossing stations.

10. Should the Security Council agree to the above-mentioned increase in force levels, I will submit an addendum on the financial implications of this report as soon as possible.

DOCUMENT S/1998/645

Letter dated 14 July 1998 from the representative of the Russian Federation to the Secretary-General

[*Original: Russian*]
[*15 July 1998*]

I have the honour to transmit herewith the text of a statement issued on 14 July 1998 by the Ministry of Foreign Affairs of the Russian Federation concerning events in Gali district in Abkhazia, Georgia.

I should be grateful if you would have the text of this letter and its annex circulated as a document of the Security Council.

(*Signed*) S. LAVROV

ANNEX

Statement by the Ministry of Foreign Affairs of the Russian Federation

The Ministry of Foreign Affairs of the Russian Federation has been authorized to state the following.

On 12 July 1998 at 2000 hours, five Russian military personnel serving in the Collective Peacekeeping Forces of the Commonwealth of Independent States were killed by terrorists: Senior Lieutenant Roman Genrikhovich Bersenev, Junior Sergeant Evgeny Nikolaevich Khazov, Junior Sergeant Maksim Gennadyevich Biryukov, Private Vladislav Alekseevich Obaskin and Private Vladislav Nikolaevich Goloshchapov. Three servicemen were wounded.

For over four years, a Russian military contingent has been carrying out a peacekeeping mission in the Georgian-Abkhaz conflict zone in accordance with the mandate of the Council of Heads of State of the Commonwealth of Independent States; the contingent has supported the ceasefire regime, thereby facilitating the talks between the parties to the conflict concerning the return of refugees and a political settlement.

The Russian peacekeepers have carried out and are continuing to carry out their duties in an appropriate manner. Owing to the measures taken by the peacekeepers, the clashes that took place in Gali district in May 1998 were contained and did not escalate into large-scale hostilities.

However, in the absence of progress in the talks, the terrorist activities of extremist forces in Gali district are increasing, and Russian peacekeepers are the targets of such terrorism.

The sides are not fulfilling their obligations under the Gagra Protocol of 25 May 1998. Thus, the Abkhaz side has not created conditions for "the return of the civilian population of Gali district, which fled as a result of the fighting". As for the Georgian side, under the Gagra Protocol it assumed the obligation to "take effective steps to halt the infiltration into Abkhazia of terrorist and subversive groups and armed formations and individuals".

There has recently been a growing number of pronouncements and statements, particularly by leaders of the Georgian Parliament, in support of the guerrillas of the "White Legion", who a few days ago made direct threats against the Russian peacekeepers. All attempts to portray the "White Legion" or the "Forest Brethren" as organizations that have no link to, and are not directly controlled by, Georgian security services are absolutely contrary to reality.

The statement issued by the Ministry of Foreign Affairs and Ministry of State Security of Georgia concerning the terrorist attack on Russian peacekeepers on 12 June 1998 is a source of indignation. It does not contain a single word of condolence in connection with the deaths of the young servicemen, while the peacekeepers and their command are blatantly and groundlessly accused of encouraging violence.

We resolutely condemn the crime perpetrated against the Russian peacekeepers, who are risking their lives for the sake of peace and stability in the region, and we demand that effective measures be taken to halt the terrorist activities of the "White Legion" and the "Forest Brethren".

The Ministry of Foreign Affairs of the Russian Federation once again stresses the inadmissibility of the unauthorized introduction of armed formations into the security zone, which is controlled by the peacekeeping forces.

With a view to ensuring the safety of its personnel, the command of the peacekeepers has been instructed to take measures to neutralize terrorist groups in both sectors of the security zone, to which the mandate of the Collective Peacekeeping Forces applies.

We give notice to the sides that, if terrorist acts against Russian peacekeepers persist, we shall consider the advisability of their continued presence in the conflict zone.

DOCUMENTS S/1998/647 AND ADD.1

Report of the Secretary-General concerning the situation in Abkhazia, Georgia

DOCUMENT S/1998/647

[Original: English]
[14 July 1998]

I. INTRODUCTION

1. The present report is submitted pursuant to resolution 1150 (1998) of 30 January 1998, by which the Security Council decided to extend the mandate of the United Nations Observer Mission in Georgia (UNOMIG) until 31 July 1998, subject to a review by the Council of the mandate of UNOMIG in the event of any changes that might be made in the mandate or in the presence of the peacekeeping force of the Commonwealth of Independent States (CIS). In the same resolution, the Council requested me to continue to keep it regularly informed and to report after three months from the date of the adoption of the resolution on the situation in Abkhazia, Georgia, including the operations of UNOMIG, and to provide recommendations in that report on the nature of the United Nations presence. In compliance with that request, I submitted a report to the Security Council on 11 and 13 May [*see S/1998/375 and Add.1*]. In addition, pursuant to the statement by the President of the Security Council of 28 May 1998 [*S/PRST/1998/16*], I submitted on 10 and 18 June a report [*S/1998/497 and Add.1*] providing an update on developments in the region and containing, as requested, the results of my Special Representative's consultations with both sides in the Georgian/Abkhaz conflict on the concept of the self-protection unit outlined in my report of 11 May [*S/1998/375*] and on other options as appropriate. The present report provides an update of the situation as at 12 July 1998.

II. POLITICAL ASPECTS

2. During the reporting period, efforts by my Special Representative, Mr. Liviu Bota, the Russian Federation, in its capacity as facilitator, with the assistance of the Organization for Security and Cooperation in Europe and the group of Friends of the Secretary-General to move the peace process forward were negatively affected by the hostilities and subsequent events in the Gali district in late May [*see S/1998/497, paras. 2 to 8*].

3. With the joint mediation of the First Deputy Minister for Foreign Affairs of the Russian Federation and the Executive Secretary of CIS, the sides continued extensive negotiation efforts on a set of two documents ("Agreement on Peace and Guarantees for the Prevention of Armed Confrontation", and the "Protocol on the Return of Refugees to the Gali District and Measures for Economic Rehabilitation") in preparation for a meeting between the President of Georgia, Mr. Eduard Shevardnadze, and the Abkhaz leader, Mr. Vladislav Ardzinba [*ibid., para. 8*].

4. To date, however, the sides have not agreed on key points of the Protocol: (*a*) the definition of the "Gali district" (since the Abkhaz have redrawn the administrative-territorial boundaries of districts in Abkhazia); (*b*) the means by which the provision and guarantee of security for those returning to the Gali district ought to be accomplished; and (*c*) the nature and timing of the measures for economic rehabilitation, including the lifting of the restrictions imposed by the 19 December 1994 Decree of the Government of the Russian Federation and the 19 January 1996 decision of the CIS Council of Heads of State [*see S/1996/74, annex*].

5. While the above-mentioned efforts proceeded, my Special Representative was actively engaged in direct consultations with President Shevardnadze, Mr. Ardzinba and other prominent political figures. Each leader continued to express willingness to meet with the other to address current problems and explore avenues for the settlement of the conflict. Each also expressed deep concern about the volatile situation on the ground. Mr. Ardzinba warned that the situation was at a crossroads, and that if some accord were not found, the situation could rapidly deteriorate. Upon his request, my Special Representative conveyed these concerns to the Georgian side.

6. In addition, on 16 June, the members of the group of Friends of the Secretary-General met with President Shevardnadze in Tbilisi and, on 17 June, with Mr. Ardzinba in Sukhumi, at his invitation. In each case, they made collective démarches appealing to both sides to resume discussions within the institutional framework agreed upon during the high-level meeting held at Geneva in November 1997 [*see S/1998/51, para. 3*].

7. Furthermore, in a letter dated 15 June, President Shevardnadze requested that the President of the Russian Federation, Mr. Boris Yeltsin, in his capacity as Chairman of the CIS Council of Heads of State, to convene an extraordinary session of the Council to address the situation in Abkhazia, Georgia.

8. Both sides continue to show interest in direct bilateral contacts and cooperation. Assisted logistically by UNOMIG, the Executive Secretary of the Georgian/Abkhaz Bilateral Joint Commission, Mr. Zurab Lakerbaia, travelled frequently between Tbilisi and Sukhumi. From 28 to 30 June, Abkhaz businessman Mr. Enver Kapba paid a visit to Tbilisi to discuss options for Georgian-Abkhaz economic cooperation.

9. On 27 June, participants in the Russian-Georgian Working Group on Border Questions initialled an agreement on procedures for the transfer from the Russian Federation to Georgia of control of the borders and ownership of surface infrastructure [*see S/1998/375, para. 9*]. The Abkhaz announced their intention to assume control of maritime borders, once the Russian border guards had withdrawn. Head of the Georgian State Border Guard Department, Major

General Valerii Chkheidze, visited Sukhumi on 10 July and discussed this sensitive issue which, if not resolved, might cause new armed hostilities. Reportedly, further talks are planned.

10. On 24 June, the State Duma of the Russian Federation adopted a resolution on the necessity of normalizing the border and customs regime on the Abkhaz part of the border of the Russian Federation. The Georgian Ministry of Foreign Affairs characterized this resolution as an example of gross interference in the domestic affairs of a sovereign State.

III. Humanitarian situation and human rights

11. Humanitarian assistance to the most vulnerable civilians in Abkhazia, Georgia, including the internally displaced persons, was severely disrupted during the reporting period, first by the blockage of the main bridge over the Inguri River [*ibid., paras. 15 and 28*], and then by the resumption of armed hostilities in the Gali district in May.

12. The blockade of the bridge seriously impeded the delivery of humanitarian assistance to the most needy; forced the delay of distribution of roof kits and fertilizer to returnees by the Office of the United Nations High Commissioner for Refugees (UNHCR); hampered plans by the United Nations Children's Fund to strengthen its immunization programme; and, caused *Acción Contra el Hambre* (ACH) to reduce the number of recipients of daily food rations to 3,000.

13. Though regular humanitarian activities resumed on 1 May 1998, when the blockade of the bridge was lifted, programmes in support of returnees to the Gali district came to an abrupt halt when hostilities broke out in May. According to updated information, during and immediately after the May hostilities, some 40,000 persons, mostly spontaneous returnees permanently residing in the Gali district, fled across the Inguri River towards Zugdidi. Although hostilities subsided following the parties' signing, on 25 May, of the Protocol on a Ceasefire and Withdrawal of Armed Formations [*see S/1998/497, para. 4*], looting and burning of houses by Abkhaz militia and armed groups was widespread. UNHCR estimates that some 1,400 private homes were destroyed, including houses recently rebuilt with the assistance of the international community, at a cost of some $2 million. UNOMIG provided logistical support for UNHCR to visit the affected areas and assess the situation.

14. Conditions for those who remain in the Gali district, mostly elderly, have become extremely difficult. Food assistance to the district, which is being undertaken by the International Committee of the Red Cross and ACH, has been hampered by the renewed minelaying of some secondary roads making access to remote villages beyond the main road (known as the M-27) almost impossible. As a result, many beneficiaries remain without assistance. Accordingly, aid agencies have expressed their concerns regarding the situation to the Government of Georgia and to the Abkhaz authorities.

15. Given that the majority of spontaneous returnees to the Gali district again had to flee their homes, UNHCR's focus of operations for serving this population has shifted to the Zugdidi side, and all its international staff members have temporarily vacated the Sukhumi office. Nonetheless, that office, now operated by local staff, is maintaining a liaison function. Similarly, due to the humanitarian crisis caused by the influx of internally displaced persons on the Zugdidi side, the United Nations Office for Coordination of Humanitarian Affairs has temporarily relocated its base for coordination activities in western Georgia from Sukhumi to Zugdidi.

16. The Human Rights Office in Sukhumi continued its work as mandated, although the recruitment of additional officers by the Office of the United Nations High Commissioner for Human Rights was delayed. On 12 July, the new Director of the office arrived.

IV. Operations of the United Nations Observer Mission in Georgia

17. In accordance with the arrangements described in my report of 10 June [*ibid., para. 13*], UNOMIG has been conducting limited operations in the Zugdidi and Gali sectors, whereby patrols are undertaken in two mine-protected vehicles at all times and are limited to main roads connecting population centres and checkpoints of the CIS peacekeeping force. Its team bases remain closed and its observers operate from the Zugdidi and Gali sector-headquarters (*see map at the end of the present supplement*). The administrative headquarters have now been relocated from Pitsunda to Sukhumi, and only the transport workshop remains temporarily in Pitsunda. The joining of the Mission's administrative and military headquarters is expected to contribute positively to UNOMIG's effectiveness. The Mission maintains a Liaison Office in Tbilisi.

18. Rotation of military observers, which was suspended in the wake of the 19 February hostage-taking incident [*see S/1998/375, para. 24*] has now resumed with a view to bringing the strength of the mission to 98 military observers. As at 10 July, the Mission's strength stood at 81 observers (*see annex*).

19. The administrative difficulties with the Georgian and Russian authorities, which prevented the Mission from using its helicopter support [*ibid., para. 23*], have been resolved and the aircraft is being used to patrol inaccessible areas as well as for medical evacuation purposes. It will be recalled that efforts were under way to increase the Mission's mine- and ballistic-protected vehicle fleet. However, given the Organization's financial regulations, the contractual arrangements with the provider took several months to finalize. Such arrangements have now been concluded and the provider has advised us that the first set of vehicles will be produced in the next 90 days.

20. Council members will recall that security measures, such as a revision of UNOMIG's modus operandi and security arrangements, have already been taken by the Mission with the CIS peacekeeping force on both banks of the Inguri

River and with the Georgian authorities in the Zugdidi sector. Nonetheless, and although to a reduced extent than previously, UNOMIG's personnel and property continued to be subjected to acts of violence. One such incident took place during the night of 30 April, when one of the Mission's safes was stolen from a guarded location at UNOMIG's previous administrative headquarters in Pitsunda. In addition to the Mission, the local Abkhaz authorities are conducting their own investigation. However, the perpetrators have not yet been identified.

21. The Mission's rapport with the population in the Gali sector has been good and the resumption of its patrolling was warmly welcomed by them. However, elsewhere in Abkhazia, a mass media campaign was launched against UNOMIG, particularly after the May events, thus creating anti-UNOMIG sentiment among the local Abkhaz population. In addition, various Abkhaz authorities initiated acts of harassment against the Mission. It is my Special Representative's assessment that these developments could endanger the security of the Mission's personnel and hamper UNOMIG's ability to implement its mandate. To counter such developments, the Mission has stepped up its media programme on both sides of the Inguri River.

22. In the Zugdidi area, furthermore, the mission has been criticized by members of the community of the internally displaced persons in the Zugdidi area, who seemed to believe that the observers had not done enough to help avoid the recent hostilities. Such sentiments are also directed against the CIS peacekeeping force and the Government of Georgia.

23. The weekly quadripartite meetings chaired by the Commander of the CIS peacekeeping force have continued during the reporting period. It will be recalled that these meetings bring together the Chief Military Observer of UNOMIG and representatives of the Georgian and Abkhaz police, militia and security services, and local administration to discuss security and other issues affecting both sides at the local level. While the Georgian side had rarely attended these meetings, following the May hostilities it has attended regularly.

24. UNOMIG continues to cooperate with United Nations programmes, non-governmental organizations and humanitarian agencies working in Abkhazia, Georgia. It regularly shares information with them and provides them with escorts on the M-27 when requested and when it is operationally feasible.

V. Cooperation between the United Nations Observer Mission in Georgia and the collective peacekeeping forces of the Commonwealth of Independent States

25. To the best of its ability under the present circumstances, UNOMIG continues to observe the operations of the CIS peacekeeping force within the framework of the implementation of the 14 May 1994 Agreement. In a spirit of cooperation, UNOMIG and the force has held frequent and regular meetings to discuss matters affecting their respective activities and to agree on mutual assistance.

VI. Situation on the ground

A. *General*

26. Since I last reported to the Council [*S/1998/497*], the situation in the Zugdidi and Gali restricted weapons and security zones remains unsettled and tense. While the ceasefire brokered on 25 May is generally holding, sporadic incidents of exchange of fire and mine attacks have continued in the Gali sector. Such attacks, many of which are seemingly orchestrated by armed groups operating from the Georgian side of the Inguri River, are directed largely against the CIS peacekeeping force and the Abkhaz authorities. One very serious incident took place on 12 July, when an unknown armed group ambushed a patrol of the CIS peacekeeping force, killing five soldiers and injuring three others. The burning of houses in the Gali district continued for some time following the May hostilities. However, it seems that, while in areas where armed groups were suspected to have operated, the majority of houses has been destroyed, in other locations where the local population cooperated with the Abkhaz authorities, the houses remained intact.

B. *Security and restricted weapons zone*

27. The Gali district appears to be under the effective control of the Abkhaz authorities. The Abkhaz militia have established posts along the Inguri River with a few checkpoints in the inner part of the district. The militia, who are drawn from throughout Abkhazia and are deployed without adequate logistic support and rations, tend to prey on the local population and the land to support themselves. Of late, and following UNOMIG's extensive reporting on the situation, the CIS peacekeeping force and the Abkhaz authorities have intervened and the looting appears to have diminished.

28. In the Zugdidi sector, a gradual reinforcement of forces belonging to the Georgian Ministry of Interior and the police of the Abkhaz Government-in-exile has been observed. UNOMIG assesses, however, that the posture of these forces is defensive.

29. Both sides continue to violate the 14 May 1994 Agreement. The Georgian authorities and the Abkhaz side persistently deny UNOMIG access to the heavy weapons storage sites; several incidents of restriction of movement have been reported; and movement of armoured vehicles into the security and restricted weapons zones and visits by personnel of the armed forces of both sides continue to be cited. UNOMIG's repeated protests of these violations have gone unheeded by both sides.

C. *Kodori Valley*

30. Council members will recall that, for security reasons, the Mission's patrolling to the Kodori Valley has been temporarily suspended. However, neither the CIS peacekeeping force nor the Abkhaz authorities have reported any violations of the 14 May 1994 Agreement.

VII. Social and economic aspects

31. The economy in Georgia continues its steady recovery. This fiscal year, Georgia is expected to maintain the positive economic trend it has achieved in 1997 [*S/1998/51, para. 31, and S/1998/375, para. 39*] and all major macroeconomic indicators will most likely continue to be stable, including in particular a low inflation rate that should favour foreign investment. The only exception to this positive trend is the delay in the conclusion of negotiations with the International Monetary Fund, which will delay payment to Georgia of some of the international loans due in 1998. However, it is anticipated that the delay will not have a significant impact on the Georgian economy, since the budget is becoming increasingly less dependent on disbursements of international loans to maintain internal stability and equilibrium.

32. Social conditions continue to be a major concern for the Georgian authorities. The payment of social benefits and access to social services are still limited, causing severe hardship for vulnerable groups, particularly the orphans and the elderly. The need to maintain equilibrium between public expenditures and internal revenue will hamper progress in this area in the near future.

33. In Abkhazia, however, economic conditions continue to deteriorate. The rich agricultural land of the Gali district, which used to feed most of Abkhazia and provide products for export, is not being worked, as the district is now virtually depopulated.

VIII. Financial aspects

34. By its resolution 52/242 of 26 June 1998, the General Assembly appropriated an amount of $19,439,280 (gross), equivalent to $1,619,940 per month for UNOMIG for the period from 1 July 1998 to 30 June 1999. The assessment of these amounts is subject to the decision of the Security Council to extend the mandate of the Mission. In addition, in my report dated 18 June 1998 [*S/1998/497/Add.1*], I informed the Security Council that the financial implications for increasing the protected vehicle fleet of UNOMIG would be approximately $1.1 million.

35. Should the Security Council decide to extend the mandate of UNOMIG beyond 31 July 1998, as recommended in paragraph 41 below, the cost of maintaining the Mission until 31 January 1999 would be limited to the appropriation contained in General Assembly resolution 52/242. I shall report to the General Assembly on the additional requirements needed, if any, for the maintenance of the Mission beyond 31 July 1998.

36. As at 30 June 1998, unpaid assessed contributions to the UNOMIG Special Account amounted to $6.4 million. The total of outstanding assessed contributions for all peacekeeping operations at that date amounted to $1.5 billion.

IX. Observations

37. During the reporting period, my Special Representative, as well as the Russian Federation, in its capacity as facilitator, were forced to address one immediate crisis after another, caused by the lack of willingness on the part of both sides to renounce violence and seriously consider peaceful options for the resolution of the conflict. Some 40,000 people from the Gali district had to seek refuge for the second time on the other side of the Inguri River, and the international community had to witness how its assistance and efforts literally went up in flames, when houses that had been constructed at a cost of more than $2 million out of UNHCR funds were deliberately set on fire. I deplore such reprehensible acts, whose motive appears to be to expel people from their home areas.

38. As the situation on the ground is tense and the risk of new confrontations is high, I have asked my Special Representative to make démarches to both sides to prevent the resumption of hostilities. He is also maintaining liaison with the parties in order to consider the organization of another high-level meeting in Geneva with a view of bringing the Geneva process back on track.

39. In his letter of 10 July 1998 [*S/1998/633*], the President of the Security Council informed me that the members of the Council supported the practical measures envisaged in my report of 10 June [*S/1998/497*] to strengthen the security of UNOMIG. He informed me that the members reiterated their deep concern regarding the security of the Mission. They also noted the measures already taken to improve security conditions to minimize the danger to mission personnel and to create conditions for the implementation of its mandated tasks, while underlining the need to continue to make further arrangements in this field. In this regard, and bearing in mind that the self-protection unit option was not accepted by the Abkhaz side and that neither party supported the option that UNOMIG be reduced to the minimal possible presence, I have instructed my Special Representative and the Chief Military Observer to keep the matter under constant review.

40. In this context, I condemn attacks against peacekeepers of the United Nations and the CIS and reiterate that protection of unarmed United Nations military observers rests with the parties. Both sides still have to make substantial efforts to contain the threat on the ground. Activities in the Gali sector by armed groups, who operate from the Georgian side of the Inguri River and whose attacks against the Abkhaz authorities and the CIS peacekeeping force inevitably affect the Mission's operations, require a determined effort by the Georgian authorities to contain them. At the same time, the Abkhaz side must do much more than it has done to protect the Mission elsewhere in Abkhazia and the recent harassment campaign launched against UNOMIG there will only exacerbate the situation on the ground.

41. During the past six months, since the Council last extended the Mission's mandate, UNOMIG's ability to operate smoothly has been further hampered. Nevertheless, it has been proven time and again that its presence is essential. Not only does the Mission's presence continue to be a stabilizing factor in the area and to provide useful support for the political process, but it also helps to create a sense of confidence and security among the local population of the Gali district, to which most of the refugees and internally displaced persons are expected to return, and to prevent further abuse of the

population by Abkhaz militia and armed groups. Accordingly, I recommended that the Security Council extend the mandate of the Mission for a further period of six months terminating on 31 January 1999, subject to a review by the Council of the mandate of UNOMIG in the event of any changes that might be made in the mandate or in the presence of the CIS peacekeeping force.

42. In conclusion, I should like to take this opportunity to thank my Special Representative, Mr. Liviu Bota, and all the civilian and military personnel of UNOMIG, for their continued dedication and perseverance in carrying out, under difficult and often dangerous conditions, the tasks entrusted to them by the Security Council.

ANNEX

Composition of United Nations Observer Mission in Georgia as at 10 July 1998

Country	*Military observers*
Albania	1
Austria	4
Bangladesh	9
Czech Republic	4
Denmark	5
Egypt	3
France	0
Germany	9
Greece	4
Hungary	5
Indonesia	4
Jordan	5
Pakistan	6
Poland	3
Republic of Korea	3
Russian Federation	3
Sweden	4
Switzerland	3
Turkey	0
United Kingdom of Great Britain and Northern Ireland	1
United States of America	2
Uruguay	3
Total	**81**

DOCUMENT S/1998/647/ADD.1

[Original: English]
[28 July 1998]

1. Following the issuance of my report of 14 July 1998 concerning the situation in Abkhazia, Georgia [*S/1998/647*], the second high-level meeting between the Georgian and Abkhaz sides was held at Geneva, from 23 to 25 July 1998, under the chairmanship of my Special Representative, Mr. Liviu Bota. On 25 July both sides adopted the attached concluding statement.

2. Also attached is a statement made on behalf of the group of Friends of the Secretary-General accompanying the concluding statement.

ANNEX

Concluding statement on the results of the second meeting of the Georgian and Abkhaz sides, held at Geneva from 23 to 25 July 1998

[Original: Russian]

1. From 23 to 25 July 1998 the second meeting of the Georgian and Abkhaz sides took place in Geneva under the auspices of the United Nations, with the participation of representatives of the Russian Federation, in its capacity as facilitator, the Organization for Security and Cooperation in Europe (OSCE), and the States belonging to the group of Friends of the Secretary-General, namely France, Germany, the Russian Federation, the United Kingdom and the United States of America, as observers. Representatives of the United Nations Development Programme (UNDP), the Office of the United Nations High Commissioner for Refugees (UNHCR), and the Office for the Coordination of Humanitarian Affairs (OCHA), also participated in the parts of the discussion relating to their work.

2. During the meeting an exchange of views took place on the following agenda items:

- Review of the state of the negotiations on the main aspects of a comprehensive settlement of the conflict and identification of areas where concrete political progress could be made;
- Elaboration of effective mechanisms for preserving the ceasefire regime and concrete guarantees of the non-resumption of hostilities;
- Problems of the return of refugees and displaced persons;
- Efforts in the economic, humanitarian and social areas.

3. The participants at the meeting renewed their support for the proposals of the Secretary-General of the United Nations to strengthen the involvement of the United Nations in the peacekeeping process aimed at achieving a comprehensive political settlement. They recognize that the process begun on the initiative of the Secretary-General is continuing and should be stepped up.

4. The parties welcomed the beginning of the implementation of the programme of action and the work of the machinery on which agreement had been reached at the previous meeting in Geneva, including the establishment of the Coordination Council and the three working groups within its framework. At its meeting on 18 December 1997, the Coordination Council adopted the statute for its operation. At the same time it was noted that the machinery established in Geneva has not yet been fully activated. Several key provisions of the concluding statement adopted in Geneva and of decisions of the Coordination Council have still not been implemented. The parties indicated the need for the full implementation of prior decisions.

5. The Special Representative of the Secretary-General for Georgia, the representatives of the Russian Federation, as facilitator, OSCE, and the member States of the group of Friends of the Secretary-General expressed concern that despite energetic efforts to intensify the peace process, the parties are still far from agreement on key aspects of a settlement. They stressed that the major responsibility for resolution of the problems between the parties lies with the parties to the conflict themselves. They called upon the parties to the conflict to refrain from any action which might undermine the efforts which are being undertaken, to do everything possible to support the peace process, and to demonstrate the necessary political will so that concrete results can be achieved on fundamental issues.

6. The participants stressed the importance of bilateral contacts and direct dialogue between the parties at various levels and in various spheres, including the work of the Bilateral Joint Coordination Commission on Practical Issues, which are an integral part of the peace process and must be supported. The Special Representative of the Secretary-General for Georgia, the Russian Federation, OSCE and the group of Friends of the Secretary-General reaffirmed that they will continue to render all possible assistance to the parties in achieving mutually acceptable agreements.

7. The parties reaffirmed their adherence to the Tbilisi Declaration of 14 August 1997, in particular:

- The determination to put an end to the conflict which has divided them and to restore peaceful relations and mutual respect;

- The conviction that the time has come to embark on a policy of peace and well-being and to act jointly with dignity and mutual tolerance in a spirit of compromise and reconciliation;
- The commitment not to resort to the use of force to resolve the problems dividing them and not under any circumstances to permit a renewal of bloodshed. Any differences will be resolved exclusively by peaceful and political means, through negotiations and consultations.

8. The participants at the meeting are seriously concerned about the situation with regard to security in the conflict zone, which has recently sharply deteriorated. The parties gave their assessments of the events which have taken place in the security zone, and exchanged views on ways of resolving the existing situation. Consultations on these issues will be continued. (The positions of the sides are contained in the appendix.)

9. The parties stressed the need for the immediate implementation of the decision taken by the Coordination Council to elaborate a mechanism in which the representatives of the sides, the United Nations Observer Mission in Georgia (UNOMIG) and/or the Collective Peacekeeping Forces of the Commonwealth of Independent States ("the CIS peacekeeping force") might participate for the investigation and prevention of violations of the Moscow Agreement on a Ceasefire and Separation of Forces of 14 May 1994 and of subversive terrorist acts carried out in the conflict zone.

10. The parties again reaffirmed their agreement to refrain from hostile propaganda towards each other and to take measures to promote the establishment of an atmosphere of mutual trust and understanding. The participants at the meeting gratefully acknowledged the invitation of the Government of Greece to hold a special meeting of the parties this year in Athens to elaborate measures to strengthen mutual trust and understanding as envisaged in the Protocol of the third session of the Coordination Council.

11. The parties again reaffirmed their previous commitment regarding the right of refugees and displaced persons to voluntary return to the places of their former permanent residence. They held a comprehensive discussion of the practical issues linked to the return of the refugees and decided to continue work on these questions. (The positions of the sides are contained in the appendix.)

12. The parties reaffirmed their commitment to ensuring the freedom of movement and security of humanitarian aid workers so that they can gain access to those in need and provide assistance to them.

13. The participants at the meeting noted the importance of coordination of the activities of UNOMIG and the CIS peacekeeping force for the stabilization of the situation in the conflict zone and for the prevention of armed conflicts.

APPENDIX

POSITIONS OF THE SIDES ON PARAGRAPH 8

The position of the Georgian side

The Georgian side condemns the hostilities and acts of violence which took place in the Gali district in May 1998, as a result of which, as is noted in the report of the Secretary-General [*S/1998/647*], approximately 40,000 people from the Gali district had to seek refuge for the second time on the other side of the Inguri River, and the international community had to witness how its assistance and efforts went up in flames, when houses that had been constructed at a cost of more than $2 million out of UNHCR funds were deliberately set on fire in order to expel people from their home areas.

The Georgian side believes that these actions are a manifestation of a new wave of ethnic cleansing directed at the Georgian population of Abkhazia.

It notes with regret that the situation in the Gali district today still remains unstable and tense.

The position of the Abkhaz side

As a result of the armed conflict provoked by the Georgian side in May 1998 in the Gali district of Abkhazia, and also of the continuing illegal actions of the "White Legion" and "Forest Brothers" terrorist and subversive groups, and of the continued laying of mines and other acts of violence, causing casualties first and foremost among the Abkhaz militia and the peacekeeping force, and also among local inhabitants, refugees and displaced persons, UNOMIG personnel and other international personnel working in Abkhazia, the situation in the region has deteriorated and is a cause for serious concern.

POSITIONS OF THE SIDES ON PARAGRAPH 11

The position of the Georgian side

The Georgian side believes that certain conditions are necessary for the implementation of the process of the speedy return of the refugees and displaced persons. To this end it proposed the establishment of a working group with the participation of representatives of the sides, the United Nations, the Russian Federation, and the member States of the group of Friends of the Secretary-General to formulate and implement a plan for the voluntary and safe return, with dignity, of the refugees and displaced persons, first and foremost to the Gali district (within the old borders).

At the same time, measures for international guarantees of the continuity of the process of the return of refugees and displaced persons and for ensuring their safety in the places of their return should be formulated and implemented.

In immediate and direct linkage with the process of the stable and organized return of the refugees and displaced persons, first and foremost to the Gali district (within the old borders), measures for the economic rehabilitation of the region and the normalization of the border and customs regimes should be implemented.

At the same time, measures should be undertaken to invite international organizations and donor countries to allocate resources for the process of the return of the refugees and displaced persons and for the restoration of the economy of Abkhazia, as recommended by the United Nations Needs Assessment Mission.

The Georgian side stressed that the real return of refugees and displaced persons is possible only on condition of the precise determination of the territory and time-frame for their return, concrete measures guaranteeing the security of the returnees and the continuity of this process, and also mechanisms for its implementation.

The refusal of the Abkhaz side to accept those necessary conditions points to the purely declarative nature of its statements concerning agreement to the return of the refugees and displaced persons.

The position of the Abkhaz side

When the process of the organized return of the refugees to the Gali district begins, measures shall be taken to lift the restrictions established by the decree of the Government of the Russian Federation of 19 December 1994 and by the decision of the Heads of State of CIS of 19 January 1996. In this connection, the Abkhaz side believes that there is a need for the speedy signing of the draft agreement on peace and guarantees for the prevention of armed confrontation and protocol on the return of refugees to the Gali district and measures for economic rehabilitation prepared during the June Georgian-Abkhaz consultations.

ENCLOSURE

Statement on behalf of the group of Friends of the Secretary-General

The Geneva Process did survive the tragic events of May 1998. This is the major outcome of this meeting.

However, we are unfortunately still far from a political settlement of the conflict. It is essential that the parties commit themselves to the search for a

political solution within the framework of the United Nations, making use of the mechanism established in November 1997.

The international community, and the group of Friends, expect the parties to come to terms. Wherever the Friends can be helpful in these efforts, they stand ready.

It is important to start the return of refugees immediately and under safe and secure conditions.

The Friends reiterate their deep concern regarding the security of the United Nations Observer Mission in Georgia and underline the need to continue to make further arrangements in this field. In this regard, they urge the Secretary-General to keep the matter under constant review, in particular the self-protection unit and other options as appropriate. They call on the parties and the Russian Federation to support the continuation of the peacekeeping operation of the peacekeeping forces of the Commonwealth of Independent States in order to secure favourable and peaceful conditions for the continuation of negotiations to achieve a comprehensive settlement of the conflict.

We demand that the parties provide increased security for the United Nations Observer Mission in Georgia and other international personnel. We welcome the inclusion in the concluding statement of a provision on freedom of movement for humanitarian aid workers.

The Friends thank the Special Representative of the Secretary-General for steering this meeting and they look forward to our next meeting within the Geneva framework.

DOCUMENT S/1998/649

Letter dated 15 July 1998 from the representative of Georgia to the President of the Security Council

[*Original: Russian*]
[*15 July 1998*]

I have the honour to transmit to you herewith the text of a statement issued by the Ministry of Foreign Affairs of Georgia concerning the tragic incident that occurred on 12 July 1998 in Gali district in Abkhazia, Georgia.

I should be grateful if you would have the text of this letter and its annex circulated as a document of the Security Council.

(*Signed*) Peter CHKHEIDZE
Permanent Representative of Georgia to the United Nations

ANNEX

Statement of the Ministry of Foreign Affairs of Georgia

[*Original: English*]

It became known to us on 12 July 1998 that near Pichori village in the Gali region, an armoured patrol car of the Russian peacekeeping forces was blown up by a mine, resulting in five killed and three wounded military servicemen. In connection with the above fact, General S. Korobko, Commander-in-Chief of the Commonwealth of Independent States peacekeeping contingent in the conflict zone, made a protest statement on 13 July, in which he accused the Georgian side of breaching the obligations envisaged in the Gagra Protocol.

In connection with the said fact and the statement made about it by the Commander-in-Chief of the peacekeeping forces, the Ministry of Foreign Affairs of Georgia submits the following statement:

The Ministry of Foreign Affairs of Georgia expresses its deep concern about the incident and extends its condolences to the families of the victims. It holds that such actions, being aimed at the failure of the peaceful settlement of the conflict, strain the situation in the region even more, a result fully in contradiction of our country's position and interests.

At the same time, we consider it expedient to express our anxiety in connection with General S. Korobko's irresponsible statement on the incident. It is surprising under the circumstances that the General is unfoundedly blaming the Georgian side for carrying out a terrorist act in the security zone, which is beyond Georgia's control and for which the full responsibility lies with the peacekeeping forces themselves.

If, along with the statement made by General S. Korobko, we take into account his recent statement on the plans of the Russian peacekeepers to implement the so-called strict measures jointly with the Abkhaz militia, which, in his own words, should not be perceived by Georgia as a genocide of the Georgian population, both can be, on the whole, assessed as part of a uniform, pre-planned provocation against Georgia.

It is very piteous that the above fact and General S. Korobko's statements are, willingly or unwillingly, in line with the interests of the forces displeased by the timely and peaceful settlement of the Abkhazian conflict, the unconditional return of the refugees and the rehabilitation of their private farmsteads and with the interests of those that have provoked the recent developments in the Gali region.

It is disheartening that such destructive actions have always accompanied the activation of the peaceful negotiations and that, against the background of the ongoing talks in Moscow on the Abkhazian conflict settlement issues, the developments in the conflict zone reaffirm the provocative nature of such terrorist acts.

Tbilisi, 13 July 1998

DOCUMENT S/1998/650

Letter dated 15 July 1998 from the representative of Georgia to the President of the Security Council

[Original: Russian]
[15 July 1998]

I have the honour to transmit to you herewith a copy of a letter from the President of Georgia concerning recent events in Abkhazia, Georgia.

I should be grateful if you would have the text of this letter and its annex circulated as a document of the Security Council.

(*Signed*) Peter CHKHEIDZE
Permanent Representative of Georgia to the United Nations

ANNEX

Letter dated 13 July 1998 from the President of Georgia addressed to the President of the Security Council

[Original: English]

On behalf of the Government of Georgia and the Georgian people, I take this opportunity to express my gratitude for the support and assistance provided by the United Nations in the settlement of the conflict in Abkhazia. In the light of the recent tragic developments in the Gali district, I feel compelled to draw your attention to the current disturbing situation in Abkhazia.

At the end of May 1998, separatist Abkhaz forces carried out military actions against the civilian Georgian population in the Gali district. These actions resulted in the injury and death of dozens of people. The Abkhaz separatists forced thirty-five thousand people to flee their homes and destroyed their houses. Regrettably, the infringement of the fundamental rights of the Georgian population continues to this day.

These events occurred at a time when, through concerted effort, the Geneva process gained momentum, the activities of the coordinating bodies became more effective, the programme of economic rehabilitation of the Abkhaz region took shape, the foundation was laid for raising the level of bilateral talks and preconditions were specified for attaining political accord. As part of this accord, the Georgian Government has set forth concrete and constructive proposals regarding the nature of the relationship between the autonomy and the centre.

The latest occurrence of the policy of ethnic cleansing conducted by the separatists was intended to reverse these positive developments. This policy manifested itself in mass killings, rape and the plunder of the Georgian population. The separatists were greatly assisted in their criminal activities by foreign armed bands.

There can be no doubt that the illegal activities of the Abkhaz separatists were directed at the undermining of the recent negotiations, including the Geneva process. The acts perpetrated by the Abkhaz separatists blatantly violate the resolutions of the Security Council, the final documents of the Organization for Security and Cooperation in Europe Budapest and Lisbon summits and the accords signed by the parties to the conflict.

The Government of Georgia made every effort to avert the eruption of a wide-scale military conflict in Georgia. The decision of the Georgian Government not to use armed force to stop the hostilities launched by the Abkhaz separatists brought to a minimum the possible tragic consequences of their actions.

The events in the Gali district must be qualified as a continuation of ethnic cleansing/genocide of the Georgian population. The Organization for Security and Cooperation in Europe summits held at Budapest and Lisbon have already assessed the acts committed in Abkhazia as such. There is every reason to state that the situation in Abkhazia, including the Gali district, poses a threat, not only to Georgia, but to the entire international community. This necessitates the need to augment the role of the United Nations in the peace process and to determine effective methods of conflict resolution.

In order to expedite the peace process and settle the conflict, the Government of Georgia considers the following to be pressing tasks:

- Increasing the humanitarian aid provided to the displaced persons;
- Development and implementation of an effective mechanism for the unconditional and safe return of displaced persons and assistance for the rehabilitation of their property;
- Expansion of the activities of the United Nations observers' mission and action to ensure their safety;
- Drawing up of an agreement providing for the shared responsibility for the security of the population in Abkhazia, for returnees and international personnel, as well as for the prevention of armed confrontation and for determination of the regime and conditions of the activities of the coordinating bodies.

In order to achieve a lasting settlement to the conflict, it is highly important that, within the framework of the Geneva negotiations and considering the proposals of the parties involved, the United Nations elaborate a draft of the political accord and ensure observance of its provisions.

The role of Russia in the conflict-settlement process, as well as full utilization of the potential of the Commonwealth of Independent States peacekeeping forces, is of great importance.

I do hope that the Secretariat, the Friends of the Secretary-General, the Secretary-General himself and the members of the Security Council will spare no effort to lead the peace process out of the deadlock.

We urge that the international community appropriately assess the situation in the Gali region and the actions of the Abkhaz separatist groups, which have claimed the lives of a great number of people.

In the light of the above, we appeal to you to support the adoption of a Security Council resolution qualifying the activities of Abkhaz separatists against the Georgian population as ethnic cleansing/genocide.

I am confident that this resolution will appropriately address the reality of the current situation and that all measures will be taken to avoid further tragic developments.

(*Signed*) Eduard SHEVARDNADZE

DOCUMENT S/1998/652

Report of the Secretary-General on the United Nations Interim Force in Lebanon for the period 16 January to 15 July 1998

[*Original: English*]
[*16 July 1998*]

I. Introduction

1. The present report is submitted in pursuance of Security Council resolution 1151 (1998) of 30 January 1998, by which the Council extended the mandate of the United Nations Interim Force in Lebanon (UNIFIL) for a further period of six months, until 31 July 1998. It covers developments since the previous report, dated 20 January 1998 [*S/1998/53*].

II. Situation in the area of operation

2. During the past six months, the number of operations conducted by armed elements against the Israel Defence Forces (IDF) and its local Lebanese auxiliary, the de facto forces (DFF), increased significantly. UNIFIL recorded 348 such operations (12 in the second half of January, 49 in February, 65 in March, 66 in April, 88 in May, 49 in June and 19 in the first half of July). This represents a 40 per cent increase over the previous reporting period and is the highest number in many years. There were also reports of about 300 operations north of the Litani River. The vast majority of those operations were carried out by the Islamic Resistance, the military wing of the Shiite Muslim Hizbullah organization. The Shiite movement Amal increased its activities, taking responsibility for about 60 operations. A number of operations were carried out by other Lebanese groups, while Palestinian groups conducted two operations. The armed elements employed small arms, mortars, rocket-propelled grenades, anti-tank missiles, recoilless rifles, rockets and explosive devices. They fired more than 3,500 mortar rounds, rockets and anti-tank missiles, as compared to about 2,500 rounds in the previous reporting period.

3. IDF/DFF, in response to attacks or in operations they initiated, employed artillery, mortars, tanks, helicopter gunships, fixed-wing aircraft and explosive devices. IDF continued its practice of conducting pre-emptive artillery bombardments and long-range patrols beyond its forward positions. UNIFIL recorded close to 10,300 rounds of artillery, mortar, tanks and missiles fired by IDF/DFF, which was about the same level as in the last reporting period. IDF conducted air raids near Brashit on 2 July and near Yatar on 7 July. Another 58 air raids were carried out against targets north of the Litani River, including one on 12 May in which several members of a Palestinian group were killed. As before, the Israeli navy patrolled the Lebanese territorial waters in the south and continued to impose restrictions on local fishermen.

4. There was a decrease in civilian casualties during the reporting period. Twelve civilians were killed, as compared to thirty-four in the previous reporting period:

(*a*) In UNIFIL's area of operation, a civilian was killed near Majdal Zun by an explosive device planted by IDF/DFF on 5 February. On 14 February, five civilians were injured in Shihin by a shell or a rocket fired by unidentified persons. Two civilians were wounded in Brashit by IDF/DFF fire on 26 March. A serious incident occurred on 31 March when a truck transporting civilian labourers who had been working for IDF/DFF was hit near Kaoukaba by a roadside bomb placed by armed elements. Six of them were killed and another was wounded. On 6 April, a civilian was killed and three others wounded near Markabe by a roadside bomb planted by armed elements. On 25 and 27 April, two civilians were injured in Kafra and Zibqin, respectively, by IDF/DFF fire. On 8 May, six civilians were injured in Al Mansouri by IDF/DFF fire, three of them seriously. On 26 May, two civilians were injured, one in Yatar and one in Haddathah by IDF/DFF fire;

(*b*) A number of serious incidents were also reported from outside the area of operation. A civilian was killed by a roadside bomb near Jezzine on 27 January. On 2 April, a civilian was killed by IDF/DFF fire on the road between Aarab Salim and El Louaize. On 31 May, a civilian was killed and another was wounded near Aarab Salim by a rocket fired by IDF. On 19 June, a five-year-old boy was killed in Jezzine by a roadside bomb planted by armed elements while riding in a car with his father, a member of the DFF. There were other reports of civilian injuries caused by both armed elements and IDF/DFF.

5. Within the Israeli-controlled area (ICA), Israel continued to maintain a civil administration and security service. The infrastructure in the ICA (road system, electricity, water supply, public buildings) continued to be improved, primarily owing to aid provided by the Government of Lebanon. However, ICA remained economically dependent on Israel, where more than 2,500 of the inhabitants go to work every day.

6. IDF/DFF carried out search operations in several villages in ICA and, from time to time, restricted the movements of the inhabitants. A number of civilians were arrested and imprisoned in Khiam, while others were expelled from their villages and ordered to leave ICA. The inhabitants of Chebaa were particularly affected. On 25 and 26 June, the remains of an Israeli serviceman and those of armed elements were exchanged with the help of the International Committee of the Red Cross. In the context of this exchange, some 60 people imprisoned in Khiam were released. On 18 January, a local civilian employee of UNIFIL was arrested and sent to Khiam, but was released on the following day.

7. UNIFIL continued its efforts to limit the conflict and to protect the inhabitants from the fighting. Through its network of checkpoints and observation posts and an active programme of patrolling, as well as continuous contacts with the parties, the Force did its best to prevent the area of operation from being used for hostile activities and to defuse situations that could lead to escalation. The Force was also deployed, as necessary, to provide a measure of protection to villages and to farmers working in the fields.

8. In carrying out its functions, the Force at times encountered hostile reactions by both armed elements and IDF/DFF. On 17 January, two armed elements threatened United Nations personnel at a checkpoint. On 23 January, armed elements, whose cars had been stopped at a UNIFIL checkpoint, fired a number of small arms rounds, some of which impacted near the checkpoint. UNIFIL returned warning shots. On 22 March, armed elements fired a few rounds of small arms at United Nations armoured personnel carriers. On 24 April, armed elements threatened United Nations personnel at gunpoint. On 23 April, an IDF/DFF armoured personnel carrier caused damage to a United Nations checkpoint by attempting a forced entry. On 22 May, IDF/DFF members threatened to open fire at United Nations personnel who were monitoring their activities. UNIFIL strongly protested the above incidents.

9. In July 1996, UNIFIL obtained a commitment from IDF to respect a safety zone around UNIFIL positions and received assurances from the Islamic Resistance that they would not operate in the vicinity of UNIFIL positions. During the reporting period, both sides, by and large, showed restraint in this regard. However, on a number of occasions, armed elements did operate in the vicinity of United Nations positions. For example, on 2 and 3 July, in connection with a coordinated attack against several IDF/DFF positions, there were seven incidents of firing from locations near United Nations positions. UNIFIL protested these incidents through the Lebanese army. UNIFIL recorded a total of 72 firings at or close to its positions and personnel (25 by armed elements, 42 by IDF/DFF and 5 by unidentified elements). On 5 June, a mortar round fired by IDF/DFF impacted at a United Nations position and caused damage. On 13 July, two mortar rounds fired by IDF/DFF impacted near a United Nations position, injuring an Irish soldier as well as a Lebanese civilian who was passing nearby. UNIFIL promptly protested these and other incidents to the authorities concerned.

10. UNIFIL continued to extend assistance to the civilian population in its area of operation in the form of medical care, casualty evacuation, harvest patrols, the distribution of educational material and equipment to poorer schools and environment sanitation. In addition, water projects, equipment or services for schools and orphanages and supplies to social services and needy people were provided from resources made available by troop-contributing countries. UNIFIL medical centres and mobile teams provided care to an average of 4,000 civilian patients per month and a field dental programme treated approximately 200 cases per month. UNIFIL also assisted the Government of Lebanon in transporting and distributing supplies to villages in ICA when those villages faced shortages owing to restrictions imposed by IDF/DFF. Throughout the period, UNIFIL cooperated closely on humanitarian matters with the Lebanese authorities, United Nations agencies, the International Committee of the Red Cross and other organizations and agencies operating in Lebanon. As in the past, UNIFIL continued the disposal of unexploded ordnance in its area of operation. In all, 69 controlled explosions were carried out.

11. The monitoring group set up in accordance with the understanding of 26 April 1996 held 16 meetings at UNIFIL headquarters to consider complaints by Israel and Lebanon. UNIFIL provided facilities for the meetings, as well as transport for the members of the group.

III. Consultations with the parties

12. From 17 to 26 March 1998, I visited the Middle East, including Israel, Lebanon and Syria. The implementation of Security Council resolution 425 (1978) was discussed in my meetings with the leaders of the three countries and I used the opportunity to explore their views on the subject. I have since had further meetings in New York with the Prime Ministers of Israel and Lebanon and with officials of other interested countries.

13. On 1 April 1998, the Ministerial Committee for National Security of the Government of Israel adopted a decision on Israel's acceptance of resolution 425 (1978) [*see S/1998/301*]. The decision stated, among other things, that Israel was accepting resolution 425 (1978) so that IDF would leave Lebanon with appropriate security arrangements and called on Lebanon to begin negotiations.

14. The Government of Lebanon, in the letter of the Minister for Foreign Affairs of 22 April to the President of the Security Council [*S/1998/341*], noted, among other things, that the Council had attached no security or political conditions to the implementation of resolution 425 (1978) and that the latter did not provide for negotiations. It stated that any negotiations between Lebanon and Israel could only be on subjects relating to resolutions 242 (1967) and 338 (1973) and certain other subjects in the framework of the Arab-Israeli peace process. The Government of Syria has indicated that it shares these views.

IV. Organizational matters

15. As at 30 June 1998, UNIFIL comprised 4,480 troops from Fiji (586), Finland (486), France (246), Ghana (644), Ireland (609), Italy (52), Nepal (601), Norway (625) and Poland (631). UNIFIL was assisted in its tasks by 55 military observers of the United Nations Truce Supervision Organization (UNTSO). In addition, UNIFIL employed 463 civilian staff, of whom 130 were recruited internationally and 333 locally. Major-General Jioji Konousi Konrote

continued as Force Commander. The deployment of UNIFIL is shown on the map at the end of the present supplement.

16. On 18 June, the Government of Norway conveyed to me the decision to withdraw its infantry battalion from UNIFIL at the end of November 1998. I am in touch with potential contributors in order to obtain a replacement.

17. I regret to report the death of four members of the Force. A Polish soldier and a Ghanaian soldier died of natural causes on 17 January and 4 June respectively. On 4 June, two Nepalese soldiers were killed in a traffic accident. Since the establishment of UNIFIL, 222 members of the Force have lost their lives: 76 as a result of firings or bomb explosions, 92 in accidents and 54 from other causes. A total of 332 have been wounded by firing, or by mine or bomb explosions.

18. UNIFIL maintained close contact with the Lebanese authorities on matters of mutual concern. Those authorities provided valuable assistance in connection with the rotation of troops and logistic activities in Beirut. The Lebanese army was helpful in defusing confrontations with armed elements. It also provided accommodation for some UNIFIL contingents while on leave in Lebanon. The Force continued to cooperate with the Lebanese Internal Security Forces on matters pertaining to the maintenance of law and order, including on an occasion of local elections.

19. The problem of the rents owed by the Government of Lebanon to the owners of the land and premises used by UNIFIL has still not been resolved. Not all owners have received payment and there is continuing controversy over the lists of owners prepared by the Lebanese authorities.

V. Financial matters

20. By its resolution 52/237 of 26 June 1998, the General Assembly appropriated to the Special Account for UNIFIL an amount of $142,984,560 gross for the maintenance of the Force for the period from 1 July 1998 to 30 June 1999, based on an average strength of 4,513 troops and a continuation of its existing responsibilities. The assessment of the appropriation, which is equivalent to $11,915,380 gross per month, is subject to the decision of the Security Council to extend the mandate of the Force beyond 31 July 1998.

21. As at 30 June 1998, unpaid assessments to the Special Account for UNIFIL amounted to $103.5 million. The total unpaid assessed contributions for all peacekeeping operations at that date amounted to $1.5 billion.

VI. Observations

22. During the past six months, fighting in south Lebanon continued and civilians were again put at risk, although the number of those who were killed decreased. UNIFIL continued its efforts to limit the conflict and to protect the inhabitants from the fighting. The situation in the area, however, remained volatile and continued to give cause for serious concern. I am also concerned at instances of harassment of United Nations personnel.

23. I have reported in paragraphs 12 to 14 above on my contacts concerning the implementation of resolution 425 (1978). I shall continue to follow developments closely and stay in touch with all concerned.

24. The Permanent Representative of Lebanon, in a letter addressed to me on 26 June 1998 [*S/1998/584*], conveyed his Government's request that the Security Council extend the mandate of UNIFIL for a further period of six months.

25. During my trip to the Middle East, I visited UNIFIL headquarters where I met with the Force Commander and his senior military and civilian staff. This visit reinforced my view that, although UNIFIL has been prevented from implementing the mandate contained in resolution 425 (1978), UNIFIL's contribution to stability and the protection it provides to the population of the area remain important. I therefore recommend that the Security Council respond positively to the request of the Government of Lebanon and extend the mandate of UNIFIL for another period of six months, until 31 January 1999.

26. I must again draw attention to the serious shortfall in the funding of the Force. At present, unpaid assessments amount to $103.5 million. I appeal to all Member States to pay their assessments promptly and in full and to clear all remaining arrears. I should also like to express my gratitude to the Governments contributing troops to the Force, in particular those of developing countries, for their understanding and patience in these difficult circumstances.

27. In conclusion, I wish to pay tribute to Major-General Jioji Konousi Konrote and to the men and women under his command for the manner in which they have carried out their difficult and often dangerous task. Their discipline and bearing have been of a high order, reflecting credit on themselves, on their countries and on the United Nations.

DOCUMENT S/1998/655

Letter dated 16 July 1998 from the representative of Georgia to the President of the Security Council

[Original: Russian]
[16 July 1998]

I have the honour to transmit to you herewith a statement by the Ministry of Foreign Affairs of Georgia concerning the tragic death of Maria Magdalena Wewiorska, a member of the United Nations Observer Mission in Georgia.

I should be grateful if you would have the text of this letter and its annex circulated as a document of the Security Council.

(*Signed*) Peter CHKHEIDZE
Permanent Representative of Georgia to the United Nations

ANNEX

Statement by the Ministry of Foreign Affairs of Georgia

[Original: English]

The Ministry of Foreign Affairs expresses its deep concern at the murder of the Polish citizen, Maria Magdalena Wewiorska, staff member of the United Nations Observer Mission in Georgia, and extends profound condolences to the family of the deceased.

Georgian authorities, in particular law enforcement agencies, will take all necessary measures to bring those who committed this shocking crime to justice.

The Ministry of Foreign Affairs expresses its hope that this tragic event will not impede the activities of the United Nations and other international organizations aimed at resolving conflicts and facilitating democratic build-up.

DOCUMENT S/1998/657

Letter dated 9 July 1998 from the representative of Germany to the Secretary-General

[Original: English]
[16 July 1998]

I have the honour to draw to your attention the statement issued on 7 July 1998 by the Contact Group regarding the situation in Kosovo.

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Gerard HENZE
Acting Permanent Representative of Germany to the United Nations

ANNEX

Statement on Kosovo issued by the Contact Group on 8 July 1998

1. The Contact Group met in Bonn on 8 July. It reviewed the situation in Kosovo and took stock of the parties' response to the requirements set out in the statement on Kosovo issued in London on 12 June by Foreign Ministers of the Contact Group and of Canada and Japan [*S/1998/567, annex*], and implementation of the undertakings made by President Milosevic in Moscow on 16 June [*see S/1998/526, annex*].

2. The overall situation in Kosovo remains tense. The Contact Group noted with deep concern that, despite vigorous efforts undertaken by the members of the Contact Group, the prospects of a peaceful settlement have deteriorated since the Contact Group's meeting in London on 12 June 1998. Although the primary responsibility for the situation in Kosovo rests with Belgrade, the Contact Group acknowledges that armed Kosovo Albanian groups also have a responsibility to avoid violence and all armed activities. The Contact Group reiterated that violence is inadmissible and will not solve the problem of Kosovo. Indeed it will only make it more difficult to achieve a political solution. The Contact Group stressed its condemnation of violence and acts of terrorism in pursuit of political goals, from whatever quarter.

3. The Contact Group assessed Belgrade's response to the requirements set out in the 12 June London statement: to cease all action by the security forces affecting the civilian population and order the withdrawal of security units used for civilian repression; to enable an effective and continuous international observer group in Kosovo and allow unimpeded access for observers; to facilitate, in agreement with the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Committee of the Red Cross (ICRC), the full return to their homes of refugees and displaced persons and to allow free and unimpeded access for humanitarian organizations and supplies to Kosovo; and to make rapid progress in the dialogue with the Kosovo Albanian leadership. The Contact Group noted that:

- Withdrawal of security forces used for civilian repression has not yet been carried out, although the security forces have shown some measure of restraint recently;
- Rapid progress in the dialogue with the Kosovo Albanian leadership has not been achieved.

4. The Contact Group acknowledged the significance of the undertakings given by President Milosevic in his meeting with President Yeltsin on 16 June and emphasized the need for them to be fully implemented.

- It noted President Milosevic's commitment to allow international observers free and unrestricted access to Kosovo, which is in a first stage of implementation. It expected Belgrade to cooperate fully with those States which were enhancing their capability to observe developments in Kosovo through secondment of additional personnel to their diplomatic representations in Belgrade. The Contact Group expected that President Milosevic's stated commitment to allow international observers in Kosovo will also permit an increase of size of the European Community Monitoring Mission presence in Kosovo.

- The Contact Group noted that there has been some improvement in the access to Kosovo for international humanitarian organizations such as UNHCR and ICRC. But the Contact Group also urged Belgrade to do more to facilitate the return of refugees and displaced persons to their homes, in particular by agreeing to security confidence-building measures. The Contact Group expressed its support for UNHCR'S regional approach to the refugee question. The Contact Group encouraged the European Union and other competent international organizations to continue to pursue the commitment of resources in order to create the conditions for an early return of refugees throughout the region.

5. The Contact Group called for an immediate cessation of hostilities in Kosovo in order to pave the way for continuous talks between Belgrade and the Kosovo Albanian leadership on additional confidence-building measures and the future status of Kosovo. Contact Group members will pursue this goal through immediate talks with both Belgrade and the Kosovo Albanians. It is clear that the Kosovo Albanian team for all these talks must be fully representative of their community in order to speak authoritatively.

6. The Contact Group concluded that Belgrade needed to take further action to implement fully the undertakings made by President Milosevic in Moscow on 16 June and the requirements of the Contact Group. The Contact Group also concluded that all concerned on the Kosovo Albanian side should commit themselves to dialogue and a peaceful settlement and reject violence and acts of terrorism. The Contact Group insisted that those outside the Federal Republic of Yugoslavia who are supplying financial support, arms or training for armed Kosovo Albanian groups should cease doing so immediately. It furthermore requested all States to pursue, as a matter of urgency, all means consistent with their domestic laws and relevant International Law, to prevent funds collected on their territory being used to contravene Security Council resolution 1160 (1998). Against this background, the Contact Group decided to pursue Security Council consideration of the adoption of a resolution reiterating the requirements mentioned above. This resolution should underline the need for a cessation of hostilities to permit a meaningful dialogue between the parties; enshrine the undertakings made by President Milosevic in Moscow; and require the authorities in Belgrade and all those concerned on the Kosovo Albanian side to ensure the safety of international observers operating in Kosovo. Should the required steps not be taken, the Contact Group will consider further action under the Charter of the United Nations, including action that may require the authorization of a Security Council resolution, to bring about compliance by those who block the process.

7. The Contact Group reiterated that it supports neither the maintenance of the status quo in Kosovo nor the Kosovo Albanians' claims for independence. It emphasized that international involvement in the dialogue between the Belgrade authorities and representatives of the Kosovo Albanian community was an essential element of credible negotiations.

8. With this in mind, the Contact Group agreed to recommend to the negotiating teams basic elements for a resolution of the question of Kosovo's status. Contact Group members reaffirmed their intention to work actively for the achievement of the resolution of this issue.

9. As part of this, in order to help the parties, the Contact Group set in hand work to define possible further elements for the future status of Kosovo, which would be made available to the authorities in Belgrade and the leadership of the Kosovo Albanian community for a dialogue with international involvement.

10. Should substantive talks begin with the necessary security confidence-building measures in place and the launch of the mission of the Special Representative of the Chairman-in-Office of the Organization for Security and Cooperation in Europe (OSCE), the Contact Group remains prepared to promote a clear and achievable path towards Belgrade's full integration in the international community including participation in OSCE. The Contact Group's goal continues to be that the Federal Republic of Yugoslavia should reap the benefits of membership of international financial and political institutions.

11. The Contact Group expressed its concern about the situation in neighbouring countries. It asked competent international organizations to examine options further to stabilize the situation in Albania. The Contact Group also supported the extension of the mandate of the United Nations Preventive Deployment Force beyond 31 August 1998.

12. The Contact Group noted that the Prosecutor of the International Tribunal for the former Yugoslavia had now expressed the view that the situation in Kosovo represented an armed conflict within the terms of the mandate of the Tribunal. It reiterated its call for Belgrade and all those in Kosovo to cooperate with the Prosecutor's investigation of possible violations of international humanitarian law; and requested international observers operating in Kosovo to supply the Prosecutor with any relevant information.

13. The Contact Group noted that a representative of the Chairman-in-Office of OSCE met government representatives of the Federal Republic of Yugoslavia on 3 July in Belgrade. The Contact Group supported the continuation of contacts between OSCE and the Government of the Federal Republic of Yugoslavia with a view to the unimpeded and early return of the long-term OSCE missions to the Federal Republic of Yugoslavia, the early launching of the mission of the Special Representative of the Chairman-in-Office of the Organization for Security and Cooperation in Europe, and a dialogue across the full range of the Federal Republic of Yugoslavia's relations with OSCE.

DOCUMENT S/1998/659

Letter dated 16 July 1998 from the Secretary-General to the President of the Security Council

[*Original: English*]
[*16 July 1998*]

I have the honour to convey the attached communication, dated 15 July 1998, which I have received from the Secretary-General of the North Atlantic Treaty Organization.

I should be grateful if you would bring it to the attention of the members of the Security Council.

(*Signed*) Kofi A. ANNAN

ANNEX

Letter dated 15 July 1998 from the Secretary-General of the North Atlantic Treaty Organization to the Secretary-General

In accordance with Security Council resolution 1088 (1996) of 12 December 1996, I attach the eighteenth monthly report on the operations of the Stabilization Force. I would appreciate your making the report available to the Security Council.

(*Signed*) Javier SOLANA

APPENDIX

Monthly report to the Security Council on the operations of the Stabilization Force

1. On 20 June 1998, the Stabilization Force (SFOR) continued its mission under the renewed mandate provided by Security Council resolution 1174 (1998).

2. There are approximately 36,000 troops currently deployed in Bosnia and Herzegovina and Croatia. This includes contributions from all North Atlantic Treaty Organization (NATO) nations and, with effect from 20 June, from 22 non-NATO nations, Argentina and Slovakia being the latest additions.

3. Over the reporting period (21 May to 20 June 1998), SFOR continued to conduct surveillance and reconnaissance by means of ground and air patrols. Approximately 2,270 sorties were flown by combat aircraft, with the SFOR helicopter fleet flying approximately 125 hours.

4. In late May, in line with the restructuring agreement concluded by the Office of the High Representative in February 1998, SFOR began its withdrawal from the five transmission towers used by Srpska Radio Television at Duga Nijva, Udrigovo and Veliki Zep in Multinational Division (North) and at Trebevic and Leotar in Multinational Division (South-East). The Leotar Tower was returned on 22 May, the Duga Nijva Tower on 28 May and the Udrigovo Tower on 30 May. The other two towers will be transferred in due course.

5. The Stabilization Force has continued to increase its monitoring of crossing points on the border with the Federal Republic of Yugoslavia in order to help ensure compliance with the prohibition on the transport of weapons established by Security Council resolution 1160 (1998). The Stabilization Force has been tasked, within its existing mission and capabilities, to forward to NATO headquarters any information on suspected violations of resolution 1160 (1998), so that it can be transmitted to the Secretariat.

Cooperation and compliance by the parties

6. The parties remain substantially compliant with most military provisions of the Peace Agreement across the whole area of operations. However, over the reporting period a number of Bosniac and Bosnian Serb homes were destroyed by arson attacks.

7. The Stabilization Force continues to monitor compliance with the Common Licence Plate Programme. Over the reporting period, SFOR confiscated 4 Bosnian Croat and 9 Bosniac military vehicles for a 30-day period from non-compliance with the Programme.

8. On 12 June, a group of approximately 150 Bosnian Croats set up 2 roadblocks near the village of Zepce, in Multinational Division (North) to protest the lack of common vehicle licence plates. The protest continued on 13 June, when a third roadblock was established 5 kilometres east of the village. After several meetings over the 2 days between SFOR troops in the area, the mayor of Zepce and the representatives of the local businessmen who had organized the roadblocks, the situation was resolved and civilian freedom of movement restored on all roads. No violent incidents were reported.

9. Over the reporting period, SFOR troops conducted a total of 314 military weapons storage sites inspections: 80 Bosniac; 70 Bosnian Croat; 146 Bosnian Serb; and 18 Federation. The following weapons were confiscated: from the Bosnian Serbs, 3 64-mm rocket launchers, 1 rifle grenade, 2 boxes of small arms ammunition and several 82-mm mortar rounds; from the Federation, 11 grenades; in addition, on 3 June, SFOR troops confiscated 150 kilograms of ammunition, 2 rifles, 3,500 cartridges, 21 grenades and several explosive devices during inspections of a further 15 sites. In accordance with SFOR policy, the confiscated weapons will be destroyed, after a period of time to allow for appeals.

10. With regard to the Republika Srpska Specialist Police, the Police Anti-Terrorist Brigade and the Police Unit for the Protection of Persons and Buildings have now met the requirements established by SFOR on 15 August 1997. On 10 June, SFOR and the Republika Srpska Ministry of the Interior agreed on the proposed structure for the new Republika Srpska Specialist Police Service and their training programme, which will be led and implemented by the United Nations International Police Task Force. The training programme is scheduled to last from 29 June to 4 September 1998. On completion of certification under the new structure, the former Republika Srpska Specialist Police will be employed as a specialist police force by the Republika Srpska Government, capable of responding to civil requirements and disasters beyond the capability of the local police. However, the decision to transfer the Republika Srpska Specialist Police supervision from annex 1-A to annex 11 of the Peace Agreement remains the decision of the Commander of the Stabilization Force.

11. Over the reporting period, SFOR monitored a total of 1,609 training and movement activities: 525 Bosniac; 68 Bosnian Croat; 942 Bosnian Serb; and 74 Federation. The Stabilization Force imposed a training and movement ban (from 25 May to 28 June) on the 505th Bosnian Serb Army Brigade, due to the presence in the Pale area of 5 armed soldiers without identification cards. A second ban was imposed (from 25 June to 14 July) on the 521st Bosnian Serb Brigade and on the 55th Battalion of Military Police, due to non-compliance during an exercise on 7 June.

12. Stabilization Force troops monitored 675 demining operations: 233 Bosniac; 211 Bosnian Croat; 221 Bosnian Serb; and 10 Federation. A total of 175 anti-tank mines, 1,255 anti-personnel mines and 84 items of unexploded ordnance were removed. There are currently no bans imposed on the Entity Armed Forces for non-compliance with demining operations.

13. On 4 June, a meeting of the Joint Military Commission took place at the Bosnian Serb Army Officers' club in Banja Luka, the first such meeting to be held outside Sarajevo. The Stabilization Force invited the army commanders to consider ideas for joint activities between the Entity Armed Forces as a means to develop further confidence and security building measures.

Cooperation with international organizations

14. Within its capabilities, SFOR continues to provide assistance to the international organizations in theatre, working routinely with the Organization for Security and Cooperation in Europe (OSCE), the International Police Task Force, the Office of the High Representative, the International Criminal Tribunal for the Former Yugoslavia and the Office of the United Nations High Commissioner for Refugees (UNHCR).

15. The Stabilization Force continues to support OSCE in its preparations for the September elections in Bosnia and Herzegovina, through the provision of a secure environment for voters' registration. Registration of candidates and parties is proceeding, although the registration period has been extended until 28 June.

16. On 28 May, in Banja Luka, and on 15 June in Foca, SFOR troops detained two individuals indicted for war crimes and ensured their transportation to the International Criminal Tribunal for the Former Yugoslavia in The Hague.

17. The Stabilization Force continues to provide assistance to the Office of the High Representative in the field of civil air traffic. The revisions to the Memorandum of Understanding, which will permit cargo operations and allow commercial aircraft to remain overnight at Sarajevo airport, have been agreed by SFOR and are now awaiting approval from the Council of Ministers. In addition, two scheduled services have been introduced over the last month in Banja Luka airport.

18. The Stabilization Force continues to play an active role in providing support to the efforts of the Office of the High Representative to establish joint institutions, particularly the Standing Committee on Military Matters. At the Standing Committee on Military Matters meeting of 21 May, SFOR presented a paper on possible cross-Inter-Entity Boundary Line helicopter flights being conducted by the Entity Armed Forces, in order to transport senior ministers on political duties. The paper was accepted by the Tri-Presidency, who instructed that further work be carried out on the concept, supervised by the secretariat of the Standing Committee on Military Matters.

Outlook

19. Returns of refugees and displaced persons are likely to continue to increase tension and to be accompanied by acts of intimidation and violence, particularly in Central Bosnia and Mostar. The Stabilization Force will continue to help ensure the provision of a secure environment to support and promote phased and orderly returns in accordance with its mandate, but not forcibly return displaced persons or undertake to guard individual locations.

20. The continuation of SFOR beyond 20 June will permit the force to continue to deter renewed hostilities and to contribute to a secure environment for the ongoing implementation of the civil aspects of the Peace Agreement, promoting a transition of emphasis from military to civil implementation. At the same time, SFOR will provide broad support, within its mandate and within means and capabilities, for civil implementation, in particular to key aspects such as public security, the return of refugees and displaced persons, the work of the International Criminal Tribunal for the Former Yugoslavia and the September elections. Through the incorporation of a multinational specialized unit which will operate as an integral part of SFOR under the same rules of engagement as other elements, it will have an enhanced capability to support the local authorities in responding to civil disorder, without engaging in police functions, in close cooperation with the Office of the High Representative and the International Police Task Force.

21. The continuation of SFOR has been accompanied by the adoption of a transition strategy as an integral part of the force's mission. This strategy will permit and promote a gradual and progressive reduction in the size, role and profile of the force as emphasis shifts from military to civil implementation, leading to eventual full withdrawal, with residual responsibilities being transferred to the common institutions, other civil authorities or other international organizations, as appropriate. Formal reviews will be conducted after the September elections and no later than December 1998, and thereafter at intervals of not more than six months to assess, against a set of identified criteria for measuring progress, the security situation and the overall implementation of the Peace Agreement. These reviews will permit the Allies, in consultation with other SFOR contributors, to consider the possible scope for force reductions, taking into account the level of support required for military and civil implementation and the requirements for deterrence.

DOCUMENT S/1998/660

Letter dated 17 July 1998 from the representative of Georgia to the President of the Security Council

[*Original: Russian*]
[*17 July 1998*]

I have the honour to transmit to you herewith a statement by the Ministry of Foreign Affairs of Georgia concerning the situation in Abkhazia, Georgia.

I should be grateful if you would have the text of this letter and its annex circulated as a document of the Security Council.

(*Signed*) Peter CHKHEIDZE
Permanent Representative of Georgia to the United Nations

ANNEX

Statement issued by the Ministry of Foreign Affairs of Georgia, issued in Tbilisi on 16 July 1998

[*Original: English*]

On 15 July 1998, as a result of the explosion of a cart going from the village of Sida to Zugdidi, eight peace-abiding persons were killed and three were seriously wounded.

The Abkhaz separatist authorities, backed by a number of leaders of the collective Peacekeeping Forces, are carrying out an anti-Georgian campaign, aimed at convincing the pub-lic that the above-mentioned and earlier incidents have been carried out by the Georgian side.

Expressing its regret in connection with the above, the Ministry of Foreign Affairs of Georgia is entitled to state the following.

After the execution of the punitive operations in the Gali region in May, the Abkhaz side started mining the roads and paths to Zugdidi, with the aim of preventing the uncontrollable movement of the refugees, letting them pass only at checkpoints after receiving appropriate fees. The above is corroborated by the explosion of the United Nations patrol car in the same zone at the beginning of June.

With cognizance of the above, the Georgian side has full grounds to declare that the full responsibility for the deaths of eight persons near Sida lies with the Abkhaz separatist regime, being a direct result of its policy of ethnic cleansing, robbery and violence.

The Ministry of Foreign Affairs of Georgia appeals again to the Abkhaz side to make constructive steps, through joint efforts, to ease the abnormal situation created in the Gali region and at least minimally ensure the security of the peace-abiding population.

DOCUMENT S/1998/675

Letter dated 20 July 1998 from the representative of Austria to the Secretary-General

[*Original: French*]
[*21 July 1998*]

I have the honour to bring to your attention the statement by the President of the European Union on the recent fighting in Kosovo, issued on 20 July 1998.

I should be grateful if you would have the text of this letter and its annex circulated as a Security Council document.

(*Signed*) Ernst SUCHARIPA
Permanent Representative of Austria to the United Nations

ANNEX

Statement by the President of the European Union on recent fighting in Kosovo issued on 20 July 1998

[*Original: English/French*]

The European Union is appalled and dismayed by reports of intensified hostilities in Kosovo over the last weekend which have — according to reports — left up to 450 people unaccounted for, several dozen of whom seem to have been killed.

The European Union condemns the alleged recent infiltrations of several hundred fighters from Albania into Kosovo territory as well as the violence in the Albanian-Yugoslav border area and at Orahovac/Rahovec, and calls urgently both on the armed Kosovar groups and on the Serbian authorities to exercise restraint and to cease hostilities immediately. The European Union is particularly concerned that Yugoslav army shelling has allegedly violated the international border and demands from the Serbian and Yugoslav authorities an immediate halt to such action. It calls on the Yugoslav and Albanian Governments to do everything in their power to reduce tensions over Kosovo.

The European Union recalls that violent action will not enhance the prospects for a negotiated solution of the Kosovo problem. Indeed, each new casualty will render an early solution more difficult.

The priorities now are a cessation of hostilities and the start of a meaningful political process.

DOCUMENT S/1998/694

Letter dated 27 July 1998 from the Secretary-General to the President of the Security Council

[*Original: English*]
[*27 July 1998*]

I have the honour to convey the attached communication, dated 27 July 1998, which I have received from the Director General of the International Atomic Energy Agency.

I should be grateful if you would bring the Director General's letter to the attention of the members of the Security Council.

(*Signed*) Kofi A. ANNAN

ANNEX

Letter dated 27 July 1998 from the Director General of the International Atomic Energy Agency to the Secretary-General

It would be appreciated if you could arrange to transmit to the President of the Security Council the enclosed status report on Iraq as requested in the statement of the President of the Security Council issued on 14 May 1998.

(*Signed*) Mohamed ELBARADEI

APPENDIX

Interim status report of the Director General of the International Atomic Energy Agency in response to the Presidential statement on Iraq of 14 May 1998

I. Introduction

1. On 14 May 1998, the President of the Security Council issued a statement on Iraq on behalf of the Council [*S/PRST/1998/11*], which stated, *inter alia*:

"The Council affirms its intention, given the progress of the IAEA, and in line with paragraphs 12 and 13 of resolution 687 (1991), to agree in a resolution that the IAEA dedicate its resources to implement the ongoing monitoring and verification activities of the IAEA under resolution 715 (1991) of 11 October 1991, upon receipt of a report from the Director General of the IAEA stating that the necessary technical and substantive clarifications have been made, including provision by Iraq of the necessary responses to all IAEA questions and concerns, in order to permit full implementation of the ongoing monitoring and verification plan approved by resolution 715 (1991). In this regard, the Council requests the Director General of the IAEA to provide this information in his report due on 11 October 1998 and to submit a status report by the end of July 1998 for possible action at that time."

2. The present status report, submitted in response to the latter request, provides a brief overview of Iraq's nuclear weapons capability, as currently understood, and addresses outstanding questions and concerns, including the results of discussions held in Iraq during the visit of the leader of the International Atomic Energy Agency (IAEA) Iraq Action Team from 29 June to 3 July 1998. In addition, the report provides information on the scope and nature of the IAEA's ongoing monitoring and verification (OMV) activities, describes the actions currently under way to strengthen the OMV plan and draws attention to the eventual need to put into effect a mechanism to ensure secure and adequate long-term funding.

II. Status of Iraq's nuclear weapons capability

3. The status of Iraq's nuclear weapons capability is described in detail in the progress report of the Director General of IAEA to the Security Council of 8 October 1997 [*S/1997/779*]. The paragraphs from the summary section of that report are included as enclosure I to the present report. The paragraphs from the summary sections of IAEA's January and April 1998 reports to the Security Council [*S/1998/38 and S/1998/312, respectively*] are included as enclosures II and III to the present report.

4. The progress report of 8 October 1997 outlines the laborious process that IAEA has been forced to pursue as a result of Iraq's minimalistic approach in responding to questions from IAEA. It is clear that Iraq initially pursued a strategy of concealment, but, after high-level talks in 1993, started to release more information, particularly regarding its procurement networks. Following the August 1995 departure from Iraq of the late Lieutenant-General Hussein Kamel, Iraq released a considerable amount of additional information regarding previously concealed aspects of its clandestine nuclear programme, in particular the centrifuge enrichment programme and the development of the explosive package of the nuclear weapon. However, the provision of information by Iraq has seldom, if ever, been voluntary and Iraq's cooperation in this regard has never approached full transparency.

5. Nonetheless, IAEA, through its extensive programme of inspection in Iraq, has assembled a technically coherent picture of Iraq's clandestine nuclear programme and has taken actions to destroy, remove and render harmless the known components of that programme and to verify, through an extensive programme of excavation, the remnants of equipment and materials unilaterally destroyed by Iraq. These activities have provided the basis for IAEA's statement that there are no indications of Iraq having retained any physical capability for the indigenous production of weapon-usable nuclear material in amounts of any practical significance. Again, although Iraq was at, or close to, the threshold of success in its endeavour to produce highly enriched uranium through the electro-magnetic isotope separation (EMIS) process, there is no indication that Iraq has produced more than a few grams of weapon-usable nuclear material nor any indication that Iraq has otherwise acquired such material.

6. Furthermore, there are no indications that Iraq has achieved its programme's goal of producing nuclear weapons. However, it is clear that Iraq had made significant progress in weaponization technologies before April 1991. It is also clear that there remains in Iraq a considerable intellectual resource in the form of the cadre of well-educated, highly experienced personnel who were employed in Iraq's clandestine nuclear programme. It should be recognized that Iraq's direct acquisition of weapon-usable nuclear material would present a severe technical challenge to OMV measures and that great reliance must be placed on international controls.

III. Completeness of the technically coherent picture

7. As has been previously recorded, some uncertainty is inevitable in any country-wide technical verification process that aims to prove the absence of readily concealable objects, such as components of centrifuge machines or copies of weapon-related documentation, or activities such as small-scale enrichment or weaponization experimentation or computer-based studies. Thus, although IAEA has assembled a technically coherent picture of Iraq's clandestine nuclear programme, there is an inherent uncertainty in the completeness of that picture deriving from the possible existence of duplicate facilities or the possible existence of anomalous activities or facilities outside the technically coherent picture. This inherent uncertainty is compounded by Iraq's lack of full transparency in the provision of information, which has resulted in added uncertainties regarding the extent of external assistance to Iraq's clandestine nuclear programme and Iraq's achievements in some aspects of its clandestine nuclear programme, owing to the absence of related programme documentation.

8. A statement by IAEA that it has found "no indication" of prohibited equipment, materials or activities in Iraq is not the same as a statement of "non-existence" of prohibited equipment, materials or activities. Indeed, it is prudent to assume that Iraq has retained documentation of its clandestine nuclear programme, specimens of important components and possibly amounts of non-enriched uranium.

External assistance

9. During the June/July 1998 discussions, an attempt was made to identify an individual who had allegedly made an offer of external (foreign) assistance to Iraq in connection with its clandestine nuclear programme. Although these discussions did not result in any further progress, the Iraqi counterpart agreed to assist the Action Team in locating an Iraqi expatriate who might be able to contribute to the ongoing investigation. As previously recorded, IAEA holds no evidence to suggest that Iraq took advantage of the offer of external assistance under investigation. However, IAEA plans to continue its efforts to identify and locate the individual who allegedly made this offer.

Absence of documentation

10. During the June/July 1998 discussions, IAEA again raised with Iraq the matter of Iraq's declared inability to provide certain drawings, documents and experimental test data. Specifically, Iraq has maintained that it no longer has in its possession weapon-design engineering drawings, the Al QaQaa drawing register, experimental data on the results of PC-3 (the cover organization of the clandestine nuclear programme) related experimental work carried out at Al QaQaa after 1988, drawings of explosive lenses or the drawings received from foreign sources in connection with Iraq's centrifuge uranium enrichment programme.

11. These matters were followed up by letter of 12 July 1998 from the leader of the IAEA Action Team. In a written response, dated 16 July, the Iraqi counterpart indicated that it had no further information to offer other than that already included in the consolidated version of its Full, Final and Complete Declaration.

IV. Abandonment of the clandestine nuclear programme

12. In order to compensate for the uncertainty in the completeness of the technically coherent picture of Iraq's clandestine nuclear programme, IAEA has, since the second half of 1996, maintained a dialogue with the Iraqi counterpart in an endeavour to locate verifiable documentation supporting Iraq's statement that it has abandoned its clandestine nuclear programme. It was within the context of "abandonment" that the matters addressed in paragraph 27 of IAEA's April 1998 progress report [*S/1998/312*], namely the existence of a formally constituted "high governmental committee" and the motives behind the actions attributed by Iraq to the late Lieutenant-General Hussein Kamel, have been discussed with the Iraqi counterpart. Iraq's position on these two specific matters is well documented: namely, that the so-called "high governmental committee" was not constituted as a formal entity but was an ad hoc group called together from time to time by Deputy Prime Minister Tariq Aziz to deal with specific United Nations-related matters, and that the late Lieutenant-General Hussein Kamel had, without the knowledge or the authorization of the Government of Iraq, concealed equipment, materials and documentation from IAEA and the United Nations Special Commission.

13. These matters were not specifically re-addressed during the June/July 1998 discussions, which focused on the attempts to locate documentary evidence of Iraq's stated abandonment of its clandestine nuclear programme. The Iraqi counterpart stated that it had been unsuccessful in its endeavours to locate verifiable documentation of the abandonment of the clandestine nuclear programme. The counterpart reiterated its contention that since no government decree had been issued to establish the programme, no complementary decree had been required to record its abandonment. The counterpart further stated that the efforts to locate any records of official discussions relating to programme abandonment had been unsuccessful. The Iraqi counterpart restated its opinion that the official decrees and orders already provided to IAEA documenting the dissolution of PC-3 and the revised missions of the establishments associated with PC-3 provided substantial evidence of programme abandonment. The counterpart, nonetheless, expressed itself ready to explore other possibilities to provide additional evidence of programme abandonment, but declared itself unable to identify a practical course of action.

14. In a later discussion on this subject, Deputy Prime Minister Tariq Aziz referred to Iraq's unconditional reaffirmation of its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons, to Iraq's acceptance of resolutions 687 (1991) and 715 (1991) and to IAEA's freedom of movement throughout Iraq. He went on to reaffirm his explanation of his role in the coordination of actions associated with Iraq's declarations to IAEA and the Special Commission and with Iraq's unilateral destruction of programme components. He reiterated that this had been an undocumented ad hoc progression of activities undertaken in reaction to events. Mr. Tariq Aziz stated unequivocally that, for the reasons previously discussed, no Government decree existed which formalized Iraq's abandonment of its nuclear programme. He further stated that had such a decree existed, it would clearly have been in the best interests of Iraq to make it available to IAEA.

15. In a written response, dated 16 July 1998, to a related request from IAEA, Dr. Riyadh al Qaysi, Under-Secretary, Iraqi Ministry of Foreign Affairs, provided a brief summary of Iraq's explanation for the absence of documentary evidence of its decision to abandon its clandestine nuclear programme. This summary did not contribute any new information.

16. It is perhaps of little practical significance whether a so-called "high government committee" was formally constituted or was, as explained by the Deputy Prime Minister, an ad hoc group of varying composition brought together to deal with problems as they arose. In the matter of the motives behind the actions attributed by Iraq to the late Lieutenant-General Hussein Kamel, it is beyond debate that concealment of components of Iraq's clandestine nuclear programme continued until at least August 1995. It remains difficult for IAEA to distinguish the actions of such a senior Government official from that of the Government itself.

Legislation required under the ongoing monitoring and verification plan

17. As recorded in paragraph 24 of the progress report of 9 April 1998, paragraph 34 of the IAEA OMV plan places a requirement on Iraq to adopt the necessary measures to implement its obligations under resolutions 687 (1991) and 707 (1991), other relevant Security Council resolutions and the IAEA's OMV plan, and, in particular, to enact penal laws to prohibit all natural and legal persons under Iraq's jurisdiction or control from undertaking anywhere any activity that is prohibited for Iraq by relevant Security Council resolutions or by the IAEA's OMV plan. Paragraph 35 of the IAEA OMV plan requires that Iraq inform IAEA of the legislative and administrative measures taken to implement resolutions 687 (1991) and 707 (1991), other relevant Security Council resolutions and the OMV plan not later than 30 days after the approval by the Security Council of the plan and thereafter as determined by IAEA. It is relevant to recall that the IAEA OMV plan was approved by resolution 715 (1991) of 11 October 1991 and that on 26 November 1993 Iraq accepted its obligations set forth in that resolution and the provisions of the plans for monitoring and verification contained therein.

18. The Iraqi counterpart acknowledged these obligations and, in a later discussion, Deputy Prime Minister Tariq Aziz stated that the implementation of the measures and, in particular, the enactment of the laws called for under the OMV plans of IAEA and the Special Commission was an inescapable requirement, which he expected that Iraq would satisfy before October 1998.

V. Ongoing monitoring and verification

Implementation of the ongoing monitoring and verification plan

19. As defined in paragraph 13 of resolution 687 (1991), the purpose of the IAEA OMV plan is to monitor and verify Iraq's compliance with its obligations under paragraph 12 of that resolution: primarily, Iraq's obligation not to acquire or develop nuclear weapons or nuclear-weapon-usable material or any subsystems or components or any related research, development or manufacturing facilities. The overall goal of ongoing monitoring and verification is to provide reaffirmation that Iraq's clandestine nuclear programme has been neutralized and is not being reconstituted.

20. The OMV plan is thus designed to provide timely detection of indications of any attempt by Iraq to reconstitute its clandestine nuclear programme, or more specifically, to give assurance of the absence of prohibited equipment, materials and activities. The plan takes fully into account the extensive technological expertise developed by Iraq in the course of its clandestine nuclear programme, particularly regarding the production of weapon-usable nuclear material. The OMV plan also takes into account the uncertainties referred to in paragraphs 7 to 10 above and is predicated on the assumption that Iraq retains the capability to exploit, for nuclear weapons purposes, any relevant materials or technology to which it may gain access in the future.

21. Effective ongoing monitoring and verification in Iraq, as required by resolution 687 (1991), must be comprehensive and rigorous and, as a result, is intrusive. The effectiveness of the implementation of the IAEA OMV plan is critically dependent upon the full exercise of the rights of access enshrined in the plan. Any diminution of, or interference with, those rights would greatly reduce the level of assurance provided through its implementation.

22. The procedures and techniques initially employed by IAEA to map out Iraq's clandestine nuclear programme were designed to detect the presence of prohibited equipment, materials and activities. IAEA employs essentially the same procedures and techniques under its OMV plan to provide assurance of the absence of prohibited equipment, materials and activities.

23. These procedures and techniques include, but are not limited to: unannounced inspections of known locations; unannounced inspections of previously un-inspected locations; examination of records, equipment, materials and products; sampling of materials and work surfaces; interviews of personnel in the workplace; overhead imagery analysis; and environmental monitoring, including aerial and land-based radiation surveys, hydrological sampling, vegetation sampling, air sampling and deposition sampling.

These practical measures are complemented by the following up of information derived from the results of inspections, from analysis of Iraqi documentation, from open source information and from other information provided by Member States. IAEA will, in the future, make use of any other verification technology that could facilitate the fulfilment of its mandate.

24. Implementation of the IAEA OMV plan has been phased in since the second half of 1992 and was considered to be operational in August 1994 with the establishment of IAEA's continuous presence in Iraq through the Action Team's Nuclear Monitoring Group. Since that time, action has been ongoing to increase the scope and technology of OMV measures with corresponding increases in the personnel resources of the Nuclear Monitoring Group.

25. The measures implemented under the OMV plan must not only provide credible assurance of the absence of prohibited equipment, materials and activities at routinely inspected locations, but must also provide a significant probability of detecting prohibited equipment, materials or activities at other locations. Thus the OMV plan must incorporate a comprehensive search capability designed to detect signs of prohibited activities being carried out at locations that are not routinely monitored. It is to further strengthen this latter capability that IAEA is currently in the process of expanding and consolidating a number of its activities into a wide-area environmental monitoring programme.

Funding for the long-term implementation of the International Atomic Energy Agency ongoing monitoring and verification plan

26. The Security Council, in paragraph 4 of resolution 699 (1991), decided that Iraq shall be liable for the full costs of carrying out the tasks authorized by section C of resolution 687 (1991). In that same paragraph, the Security Council also encouraged the maximum assistance in cash and kind from all Member States to ensure that those tasks are undertaken effectively and expeditiously. Up to this stage, cash resources to fund IAEA's activities related to Iraq have been provided through the United Nations Special Commission from donations from Member States and from liquidated Iraqi assets and Iraqi oil revenues. Assistance in kind from Member States provided directly to IAEA has included cost-free personnel resources, equipment, sample analysis and data evaluation. The value of this assistance in kind is estimated to total, on average, four million dollars per year. As a result of this contribution from Member States, the IAEA Action Team has been able to limit its average annual direct cash expenditure to some three million dollars.

27. Taking into account the costs of the planned wide-area environmental monitoring programme (personnel resources, equipment, sample processing and analysis, data evaluation and data management), the estimated total annual cost of implementing the IAEA OMV plan will be some nine million dollars, not including the costs of logistical and other assistance provided by the Special Commission. It is assumed that, in accordance with Iraq's obligation under paragraph 4 of resolution 699 (1991), a mechanism will be put into effect to secure long-term funding for the implementation costs of the OMV plans of IAEA and the Special Commission, preferably including provisions to compensate for the effect of any interruption in the flow of funding.

28. Based on current experience, the effective implementation of the IAEA OMV plan will require the continuous presence in Iraq of the IAEA Nuclear Monitoring Group, comprising up to eight technical staff and one or two administrative support personnel, supplemented from time to time, with additional technical staff as specific monitoring tasks may require. IAEA will continue to draw upon the technical personnel resources of Member States to assist the Action Team in the implementation of the IAEA OMV plan, but it is anticipated that such resources would eventually cease to be "cost-free".

Ongoing monitoring and verification operational matters

29. During the June/July discussions, IAEA's need to establish technical facilities at the Rashid airbase to support the fixed-wing radiation survey planned for September 1998 was raised with the Iraqi counterpart and was later discussed, in some detail, with Deputy Prime Minister Tariq Aziz. The Rashid airbase is conveniently near the Baghdad Monitoring and Verification Centre and is the base from which the United Nations helicopter fleet operates. The fixed-wing radiation survey is an OMV technical task, which is to be implemented for the first time in Iraq and is likely to require considerable technical support from the IAEA Nuclear Monitoring Group. It was to ensure that this technical support could be readily available that IAEA had asked that the survey operate out of the Rashid airbase.

30. Mr. Tariq Aziz stated that Iraq was fully aware of IAEA's rights under the OMV plan and that Iraq was pledged to respect those rights. Furthermore, he stated that Iraq was committed to provide full cooperation to IAEA in the implementation of the OMV plan. However, he explained that, at this point in time, Iraq could "not afford to scatter its resources", and therefore could not provide the necessary support for the safe operation of the survey airplane from the Rashid airbase. He indicated that IAEA should, at this time, operate the survey campaign from the Habanniya airbase. In a subsequent exchange of letters, Iraq confirmed that it was "ready to provide refuelling services to IAEA aircraft (for Gamma survey) in the functioning airbases in Iraq (i.e. with the exception of Basra airport — which Iraq had previously stated to be non-functional — and Arbil airport, which is not under the control of Government authorities)." This statement is taken to mean that, with the foregoing exceptions, the airbases routinely providing refuelling services to the United Nations helicopters will also provide refuelling services for the survey aircraft.

31. One of the technical sessions held during the June/July discussions was devoted to discussion of the practical measures implemented under the OMV plan, as listed in paragraph 23 above, and, in particular, to the expansion of the implementation of a number of those measures within a consolidated wide-area environmental monitoring programme. The Iraqi counterpart reaffirmed its willingness to continue to provide the practical facilities and cooperation required to implement the OMV plan, but suggested that the implementation of wide-area environmental monitoring should lead to a reduction of the more intrusive aspects of OMV. It is the opinion of IAEA that such considerations would be premature.

32. In a later discussion, the senior nuclear counterpart strongly expressed the view that Iraq was entitled to have access to the "raw data" collected by IAEA through its wide-area environmental monitoring programme and, in particular, to the data collected through aerial radiation surveys. IAEA considers the sharing of raw data with Iraq to be entirely inappropriate since it is essential that IAEA keep the detection capabilities of its measurement and analytical techniques confidential. IAEA had, nonetheless, previously conveyed its intention to notify Iraq of any survey data indicating a significant potential radiation dose to the population, in relation to international norms.

33. As has been previously reported, Iraq has made progress in improving the quality and completeness of its declaration under annex 2 of the IAEA OMV plan. Nonetheless, there is still a need to further improve the quality and completeness of the declarations and to remove inconsistencies between the information contained therein and that recorded in Iraq's Full, Final and Complete Declaration. In this regard, the Iraqi counterpart has been advised that members of the IAEA Action Team will visit Iraq in September to discuss the adequacy of the declarations provided to IAEA in July 1998. However, experience indicates that improvement in quality and consistency will only be achieved if Iraq assigns additional technical personnel resources to the National Monitoring Directorate.

34. Discussions on other OMV operational matters will be addressed, as appropriate, in the October 1998 progress report.

VI. Summary and observations

35. As previously recorded, there are no indications of Iraq having retained any physical capability for the indigenous production of weapon-usable nuclear material in amounts of any practical significance, nor any indication Iraq has acquired or produced weapon-usable nuclear material other than the nuclear material verified by IAEA and removed from Iraq in accordance with paragraph 13 of resolution 687 (1991).

36. Although there are no indications of Iraq having achieved its programme's goal of producing nuclear weapons, it is clear that Iraq had made significant progress in weaponization technologies before April 1991. It is also clear that there remains in Iraq a considerable intellectual resource in the form of the cadre of well-educated, highly experienced personnel who were employed in Iraq's clandestine nuclear programme.

37. The progress report of 8 October 1997 to the Security Council [*S/1997/779*] recorded that some uncertainty is inevitable in any country-wide technical verification process that aims to prove the absence of readily concealable objects or activities. This inherent uncertainty is compounded by Iraq's lack of full transparency in the provision of information, which has resulted in uncertainties regarding the extent of external assistance to Iraq's clandestine nuclear programme and Iraq's actual achievements in some aspects of that programme.

38. This uncertainty, discussed in paragraphs 7 to 10 above, is factored into the IAEA OMV plan, which takes fully into account the extensive technological expertise developed by Iraq in the course of its clandestine nuclear programme, particularly regarding the production of weapon-usable nuclear material, and is predicated on the assumption that Iraq has the knowledge and the technical capability to exploit, for nuclear weapons purposes, any relevant materials or technology to which it may gain access in the future.

39. While no indications of the current existence of proscribed equipment or materials in Iraq have been found, IAEA, despite its extensive inspection activities, cannot, for the reasons previously described, provide absolute assurance of the absence of readily concealable items, such as components of centrifuge machines or copies of weapon-related documentation. Similarly, it should be recognized that OMV measures cannot guarantee detection of readily concealable or disguisable proscribed activities, such as computer-based weaponization studies or small-scale centrifuge cascade development. Furthermore, Iraq's direct acquisition of weapon-usable nuclear material would present a severe technical challenge to OMV measures and great reliance must be placed on international controls.

40. In order to further strengthen the overall capability of its OMV plan, IAEA is currently in the process of expanding and consolidating a number of its activities into a wide-area environmental monitoring programme.

41. Effective ongoing monitoring and verification in Iraq, as required by resolution 687 (1991), must be comprehensive and rigorous and, as a result, is intrusive. The effectiveness of the implementation of the IAEA OMV plan is critically dependent upon the full exercise of the rights of access enshrined in the plan. Any diminution of, or interference with, those rights would greatly reduce the value of the assurance provided through its implementation.

42. With regard to the responses provided by Iraq to the remaining questions and concerns about its clandestine nuclear programme, IAEA holds no evidence to confirm or refute that Iraq did not take advantage of any offers of external assistance to its clandestine nuclear programme other than that recorded in its Full, Final and Complete Declaration or that no other relevant documentation exists to support Iraq's stated abandonment of its clandestine nuclear programme, its timing and modalities.

43. IAEA will continue, in the context of its OMV, to investigate, through the follow-up of any new information that comes to its knowledge, the questions and concerns referred to in paragraph 42 above, as well as any other aspect of Iraq's clandestine programme, and will destroy, remove or render harmless any prohibited items that may be discovered through such investigations.

44. IAEA continues to focus most of its resources on the implementation and technical strengthening of its plan for the ongoing monitoring and verification of Iraq's compliance with its obligations under the relevant Security Council resolutions. The procedures and techniques employed in OMV are essentially the same as the procedures and techniques employed by IAEA to map out Iraq's clandestine nuclear programme. The OMV plan does not foreclose IAEA's right to investigate further any aspect of Iraq's clandestine nuclear programme and to destroy, remove or render harmless any prohibited items that may be discovered through such investigations.

ENCLOSURE I

Paragraphs from the summary section of document S/1997/779 of 8 October 1997

Summary

73. The Security Council, in resolution 687 (1991), envisaged that, within fifteen days of adoption of the resolution, Iraq would submit to the Director General of the IAEA a declaration of the locations, amounts and types of all items specified in paragraph 12 of the resolution. It further envisaged that the IAEA would carry out immediate on-site inspections of Iraq's nuclear capabilities based on Iraq's declarations and the designation of any additional locations by the Special Commission, and that the Agency would develop a plan for submission to the Security Council within forty-five days calling for the destruction, removal or rendering harmless, as appropriate, of all items listed in paragraph 12 of the resolution. The IAEA was expected to commence to carry out that plan within forty-five days after its approval by the Security Council.

74. It was not possible for the IAEA to follow such a timetable, primarily because Iraq chose to follow a course of denial, concealment and obstruction, rather than meeting its obligation to provide, at the outset, the declaration foreseen by resolution 687 (1991). The initial declarations provided by Iraq were totally inadequate and the IAEA's access to designated inspection sites was obstructed. Following the visit to Iraq in July 1991 of a United Nations/IAEA high-level delegation and the personal intervention of the Secretary-General, Iraq modified its initial approach and provided a considerably expanded, though still incomplete declaration. However, Iraq continued to conceal and deny aspects of its weaponization and centrifuge enrichment activities until the revelations which followed the August 1995 departure from Iraq of the late Lt. Gen. Hussein Kamel. Since that time, Iraq has been more forthcoming in providing information, although it still continues to limit the scope of information provided in response to IAEA questioning in an effort to understate the capabilities developed within the clandestine nuclear programme.

75. In connection with its technical team visits, since May 1997, the IAEA has received clarification of many matters raised with the Iraqi counterpart. While containing little new information, Iraq's written statements provided a helpful collation of previously reviewed information. In one critical area, Iraq was able to provide copies of correspondence which, if genuine, provide strong corroboration of Iraq's description of the status, as of the end of 1990, of its work to develop explosive lenses. However, the Iraqi counterpart: has not provided a comprehensive written statement of the membership, terms of reference and duration of authority of the Governmental Committee charged, inter alia, to "reduce the effect of NPT violation to the minimum"; has stated that it has no further information regarding external assistance to its clandestine nuclear programme; has declared itself unable to describe the motives behind the actions ascribed to the late Lt. Gen. Hussein Kamel which resulted in the concealment of the cache of documentation, material and equipment "discovered" at the Haider House farm; has declined to include, in its FFCD a summary of the practical and theoretical achievements of Iraq's clandestine nuclear programme; and has yet to provide the promised written description of its post-war procurement system.

76. Iraq's lack of co-operation has required the IAEA to follow a protracted and painstaking process involving on-site inspections, collection and analysis of procurement information and follow-up of other information provided by member States. The results of the IAEA's investigation have over many years yielded a technically coherent picture of Iraq's clandestine nuclear programme.

77. Although certain documentary evidence is missing and some gaps in knowledge remain, the following can be stated with regard to Iraq's clandestine programme:

- There are no indications to suggest that Iraq was successful in its attempt to produce nuclear weapons. Iraq's explanation of its progress towards the finalisation of a workable design for its nuclear weapons is considered to be consistent with the resources and time scale

indicated by the available programme documentation. However, no documentation or other evidence is available to show the actual status of the weapon design when the programme was interrupted.

- Iraq was at, or close to, the threshold of success in such areas as the production of HEU through the EMIS process, the production and pilot cascading of single-cylinder sub-critical gas centrifuge machines, and the fabrication of the explosive package for a nuclear weapon.
- There are no indications to suggest that Iraq had produced more that a few grams of weapon-usable nuclear material (HEU or separated plutonium) through its indigenous processes, all of which has been removed from Iraq.
- There are no indications that Iraq otherwise acquired weapon-usable nuclear material.
- All of the safeguarded research reactor fuel, including the HEU fuel that Iraq had planned to divert to its "crash programme", was verified and fully accounted for by the IAEA and removed from Iraq.
- There are no indications that there remains in Iraq any physical capability for the production of amounts of weapon-usable nuclear material of any practical significance.

78. Iraq's description of its development of the single-cylinder sub-critical gas centrifuge is considered to be consistent with the resources and time scale indicated by the available documentation and the status of the related facilities. Although little documentation is available, it is clear that Iraq had intentions to exploit the information in its possession regarding multi-cylinder, super-critical centrifuge machines. It will be necessary to gain access to Iraq's foreign source of information in order to have the opportunity to verify Iraq's explanation that only limited exploratory design-work had been undertaken.

79. There are no indications of significant discrepancies between the technically coherent picture which has evolved of Iraq's past programme and the information contained in Iraq's FFCD-F issued on 7 September 1996, as supplemented by the written revisions and additions provided by Iraq since that time. However, taking into account the possibility, albeit remote, of undetected duplicate facilities or the existence of anomalous activities or facilities outside this technically coherent picture, no absolute assurances can be given with regard to the completeness of Iraq's FFCD. Some uncertainty is inevitable in any country-wide technical verification process which aims to prove the absence of readily concealable objects or activities. The extent to which such uncertainty is acceptable is a policy judgement.

80. Most of the IAEA activities involving the destruction, removal and rendering harmless of the components of Iraq's nuclear weapons programme which to date have been revealed and destroyed, were completed by the end of 1992 (*see attachment 3*). Since that time, only a relatively small number of items of proscribed equipment and materials have been identified and disposed of, most of which were handed over to the IAEA by Iraq since the events of August 1995. While no indications of the presence of further proscribed equipment or materials in Iraq have been found, the IAEA, despite its extensive inspection activities, cannot, for the reasons described in the previous paragraph, provide absolute assurance of the absence of readily concealable items, such as components of centrifuge machines or copies of weapon-related documentation.

81. The IAEA's ongoing monitoring and verification (OMV) plan was phased-in during the period from November 1992 to August 1994, at which time it was considered to be operational. Taking into account the extensive technological expertise developed by Iraq in the course of its clandestine nuclear programme, the OMV plan is predicated on the assumption that Iraq retains the capability to exploit, for nuclear weapons purposes, any materials or technology to which it may gain access in the future.

82. Implementation of the OMV plan has not resulted in the detection of any indications of ongoing proscribed activities or the presence in Iraq of proscribed equipment or materials apart from the items referred to in paragraph 80. It should be recognised, however, that OMV measures cannot guarantee detection of readily concealable or disguisable proscribed activities, such as computer-based weaponization studies or small-scale centrifuge cascade development. Iraq's direct acquisition of weapon-usable nuclear material would also present a severe technical challenge to the OMV measures and great reliance must be placed on international controls.

83. As indicated in the foregoing, the IAEA's activities regarding the investigation of Iraq's clandestine nuclear programme have reached a point of diminishing returns and the IAEA is focusing most of its resources on the implementation and technical strengthening of its plan for the ongoing monitoring and verification of Iraq's compliance with its obligations under the relevant Security Council resolutions. The IAEA is not "closing the books" on its investigation of Iraq's clandestine nuclear programme and will continue to exercise its right to investigate any aspect of Iraq's clandestine nuclear programme, in particular, through the follow-up of any new information developed by the IAEA or provided by member States and assessed by the IAEA to warrant further investigation, and to destroy, remove or render harmless any proscribed items discovered through such investigations.

ENCLOSURE II

Paragraphs from the summary section of document S/1998/38 of 15 January 1998

Summary

25. The information provided by Iraq in respect of its post-war procurement procedures will contribute to the ability of IAEA to identify actions that might indicate Iraq's clandestine procurement of proscribed or dual-use equipment and materials. Future information requirements in this regard will be pursued in the course of ongoing monitoring and verification activities.

26. The specification of the scope and content for the summary of the technical achievements of Iraq's clandestine nuclear programme that IAEA provided to the Iraqi counterpart should facilitate the production by Iraq of a document that will provide further assurance that the technically coherent picture of Iraq's clandestine nuclear programme is comprehensive. It will also assist IAEA in optimizing its ongoing monitoring and verification activities.

27. The specific instance of external assistance offered to Iraq's clandestine nuclear programme, reported in section B.3 above, has been extensively discussed with the Iraqi counterpart. It has not been possible to confirm independently the veracity of Iraq's statement that it took no action to follow up on that offer or, indeed, on any similar offer. At this point in time, IAEA holds no information on which to base further investigation of this matter with the Iraqi counterpart. Iraq's direct acquisition of weapon-usable nuclear material or nuclear weapon-related technology will, however, continue to be a matter of major concern to IAEA, and high priority will continue to be given to the investigation of any indication of such acquisition.

28. Although the related matters of the existence of the so-called governmental committee and the motives behind the actions attributed to the late Lt. Gen. Hussein Kamel have been investigated by IAEA to the extent feasible, it has not been possible to confirm independently the veracity of Iraq's statements in those respects. There is, at this point in time, no information available to IAEA on which to base further investigation.

29. Although it is difficult to understand the apparent lack of focus at such a critical stage in Iraq's weaponization development, IAEA has no information that contradicts Iraq's statement that it had never identified nuclear weapon design options beyond those preliminary concepts described in its report entitled "Basic design report of the implosion device" dated 14 July 1990. Nonetheless, the IAEA ongoing monitoring and verification plan is predicated on the assumption that Iraq retains the technical capability to exploit, for nuclear weapons purposes, any relevant material to which it might gain access.

30. Iraq's cooperation with respect to the use of fixed-wing aircraft in conjunction with technical activities will contribute to the efficiency and

effectiveness of the IAEA ongoing monitoring and verification plan. In this regard, IAEA intends to implement, in the near future, an aerial radiation survey campaign in Iraq, using a fixed-wing platform. For future campaigns, IAEA will examine the feasibility of using Iraqi aircraft. IAEA will pursue, through the Special Commission, its requirements to use fixed-wing aircraft within Iraq for logistical purposes.

31. As recorded in document S/1997/779, IAEA is currently focusing most of its resources on the implementation and strengthening of its ongoing monitoring and ve. 'fication plan. However, IAEA will continue to exercise its right to investigate any aspect of Iraq's clandestine nuclear programme, in particular through the follow-up of any new information that comes to its knowledge and is assessed by it to warrant further investigation, and to destroy, remove or render harmless any proscribed items that may be discovered through such investigations.

ENCLOSURE III

Paragraphs from the summary section of document S/1998/312 of 9 April 1998

Summary

31. IAEA continues its programme to update the technology used in its monitoring activities and to extend the range of those activities. A component of this latter aspect is the completion of the baseline survey focused on environmental tritium concentrations. Work in other areas of technology is being actively pursued with the help of Member States. In keeping with the ongoing expansion of IAEA technical activities, the staffing of the IAEA Nuclear Monitoring Group has been increased through the provision of additional personnel resources from Member States.

32. During the period from 26 March to 3 April 1998, 15 IAEA experts participated in the special group, established under the memorandum of understanding agreed between the Secretary-General and the Government of Iraq on 23 February 1998, for the purpose of making entry to Iraq's presidential sites. The surveys undertaken by the special group were completed efficiently and were, in most instances, facilitated by practical cooperation provided by the Iraqi counterpart. The surveys conducted at the eight presidential sites revealed no immediate indications of the presence of prohibited materials or equipment or of the conduct of prohibited activities with respect to the mandate of IAEA under the relevant Security Council resolutions.

33. The Agency's ongoing monitoring and verification activities carried out since October 1997 have not revealed indications of the existence in Iraq of prohibited equipment or materials or of the conduct of prohibited activities.

34. Iraq has satisfactorily completed its undertaking to produce a consolidated version of its full, final and complete declaration of its clandestine nuclear programme. [The consolidation of the Full, Final and Complete Declaration, which was an editorial task, brought together in one document information provided by the Iraqi counterpart and previously examined by IAEA, in particular during team visits in February, May and July 1997.]

35. The Iraqi counterpart has fulfilled its obligation to produce a document containing a summary of the technical achievements of its clandestine nuclear programme. The summary is regarded by IAEA to be consistent with the technically coherent picture of Iraq's clandestine nuclear programme developed by IAEA in the course of its activities in Iraq.

36. As previously reported, IAEA is focusing most of its resources on the implementation and strengthening of the technical content of its activities under the OMV plan. IAEA will, however, continue to exercise its right to investigate any aspect of Iraq's clandestine nuclear programme, in particular through the follow-up of any new information developed by IAEA or provided by Member States, and to destroy, remove or render harmless any prohibited items discovered through such investigations.

37. In carrying out its activities in Iraq, IAEA has benefited from the assistance and cooperation of the United Nations Special Commission and, in particular, from the support of certain IAEA Member States which have provided technical personnel resources, access to advanced technologies and access to information.

DOCUMENT S/1998/712

Report of the Secretary-General prepared pursuant to Security Council resolution 1160 (1998)

[*Original: English*]
[*5 August 1998*]

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1160 (1998) of 31 March 1998. It covers the period since my last report of 2 July 1998 [*S/1998/608*]. As at 31 July 1998, I had received several communications from Member States and regional organizations relating to developments in Kosovo, as well as to the steps they had taken to give effect to the prohibitions imposed by resolution 1160 (1998). By a letter dated 9 July 1998 [*S/1998/657*], the Acting Permanent Representative of Germany to the United Nations conveyed a statement issued on 8 July 1998 by the Contact Group regarding the situation in Kosovo. I also received a letter dated 21 July from the Permanent Representative of Austria to the United Nations [*S/1998/675*] which contained the Declaration of the Presidency of the European Union of 20 July 1998. In a letter dated 16 July 1998 [*S/1998/654*], the Permanent Mission of the Federal Republic of Yugoslavia transmitted remarks of the Federal Republic of Yugoslavia in connection with my previous report. On 24 July 1998, the Chairman-in-Office of the Organization for Security and Cooperation in Europe (OSCE) conveyed to me updated information on the situation in Kosovo, which I attach in annex I to the present report.

II. Security Council Committee established pursuant to resolution 1160 (1998)

2. As of 31 July, in addition to those States listed in my earlier report [*S/1998/608*], Greece, Germany and Liechtenstein reported to the Committee pursuant to paragraph 12 of resolution 1160 (1998) on the steps they had taken to give effect to the prohibitions imposed by that resolution.

III. Comprehensive regime to monitor the implementation of the prohibitions imposed by Security Council resolution 1160 (1998)

3. In paragraph 15 of resolution 1160 (1998), the Security Council requested that, in consultation with appropriate regional organizations, I include in my first report to the Council recommendations for the establishment of a comprehensive regime to monitor the implementation of the prohibitions imposed by that resolution. It also called upon all States, in particular neighbouring States, to extend full cooperation in that regard.

4. In my report to the Council dated 30 April 1998 [*S/1998/361*], I provided a general outline of the concept for a comprehensive monitoring regime and stated that the United Nations was unable, within existing budgetary resources, to establish and administer such a regime. I reiterate my view expressed therein that for a monitoring regime to be comprehensive, it would require the deployment at key points of teams composed of qualified experts, as well as the setting up of a fully equipped communications centre to support the work of the monitoring teams and to interact with the Sanctions Committee and its secretariat. These teams would provide advice and assistance to the authorities of neighbouring and other States that bear the responsibility for enforcement of the mandatory measures in accordance with the provisions of Security Council resolution 1160 (1998).

5. In my second report pursuant to resolution 1160 (1998), dated 4 June 1998 [*S/1998/470*], I stated that upon receipt of the views of the organizations I had contacted, I would submit my recommendations to the Security Council for a comprehensive monitoring regime, taking into account the existing potential within the United Nations and the views expressed by those organizations.

6. In addition to OSCE, replies were received from the European Union (EU), the North Atlantic Treaty Organization (NATO), the Western European Union (WEU) and the Danube Commission. Those communications were annexed to my earlier reports [*S/1998/470 and S/1998/608*]. On 14 July 1998, the Secretary-General of NATO informed me of his organization's decision at the current stage to proceed with the "Stabilization Force (SFOR) option" to step up its efforts to monitor the Bosnian border with the Federal Republic of Yugoslavia, and to forward to me any relevant information on suspected violations of resolution 1160 (1998) in SFOR's area of operations. The text of the letter from the Secretary-General of NATO is contained in annex II to the present report.

7. All the organizations I contacted have stated their readiness to contribute actively to the monitoring of the prohibitions imposed by resolution 1160 (1998). At this stage, however, the overall resources pledged by those organizations would not allow for the establishment of a comprehensive monitoring regime as envisaged in resolution 1160 (1998). Nonetheless, their proposed contributions, coupled with that of the United Nations Preventive Deployment Force (UNPREDEP), as outlined in my reports to the Security Council dated 1 June and 14 July 1998 [*S/1998/454 and S/1998/644, respectively*], provide a useful framework for reporting on violations of the prohibitions imposed by the above resolution and for assisting the Committee established pursuant to Security Council resolution 1160 (1998) in discharging its mandate.

8. Accordingly, I propose to invite the organizations mentioned in paragraph 6 above to forward to the Secretariat, for consideration by the Security Council Committee established pursuant to Security Council resolution 1160 (1998), relevant information based on reports of their own monitors or any other information that may be available to them, concerning violations or allegations of violations of the prohibitions imposed by Security Council resolution 1160 (1998).

9. On 21 July 1998, the Security Council adopted resolution 1186 (1998), by which it decided to authorize an increase in the troop strength of UNPREDEP and to extend its current mandate for a period of six months until 28 February 1999, including the tasks of monitoring the border areas and reporting to me on illicit arms flows and other activities that are prohibited under resolution 1160 (1998).

10. In the absence of an integrated coordinating mechanism, it would be essential for representatives of participating organizations, UNPREDEP and the Secretariat to hold, as necessary, periodic meetings in order to exchange information on the monitoring of the prohibitions established by resolution 1160 (1998) and to address practical issues arising in that connection.

IV. Situation in Kosovo

11. In early July, efforts by the members of the Contact Group, EU and OSCE offered hopeful signs that meaningful dialogue might be possible between the parties to the conflict. Regrettably, those hopes were not realized. I must therefore report that, as the Security Council is already aware, the situation in Kosovo continues to deteriorate. Increased heavy fighting between the security forces of the Federal Republic of Yugoslavia and the so-called Kosovo Liberation Army (KLA) has been reported from several areas in Kosovo. The numbers of civilian and military casualties are at their highest point since the outbreak of the conflict. The attitudes of the two sides appear to be hardening with every day of fighting. There is no progress on renewal of dialogue. Most disturbing are reports of increased tensions along the border between the Federal Republic of Yugoslavia and Albania. In this regard, I share the concerns expressed in the Declaration of the Presidency of the European Union of 20 July 1998 [*S/1998/675*].

12. The unrelenting violence has led to a dramatic increase in internally displaced persons in Kosovo and Montenegro since my last report. According to estimates by the Office of the United Nations High Commissioner for Refugees (UNHCR), more than 100,000 people have been driven from their homes by the conflict. Between 70,000 and 80,000 people were internally displaced in Kosovo by the end of July. Authorities in Montenegro had recorded 22,000

internally displaced persons from Kosovo by 22 July. As local food production has come to a standstill, food shortages could worsen sharply. With the increasing number of displaced persons and the approaching winter, Kosovo has the potential of becoming a humanitarian disaster.

13. The number of refugees in northern Albania remains approximately the same (estimated at around 13,500) with 10,300 registered refugees. The majority (some 10,000) arrived in Albania between 29 May and 9 June. While one of the main refugee locations, Tropoje, lies just 7 kilometres from the border, the proximity of the border has not created a security risk for refugees at this stage. However, with the increasing militarization of the border region and the escalation of tensions in Kosovo, destabilization of the Albanian border region is possible.

14. United Nations agencies are intensifying their efforts to prevent a major humanitarian and refugee crisis. In response to the consolidated inter-agency flash appeal for humanitarian assistance needs related to the Kosovo crisis: 1 June–31 August 1998, however, only 9.7 per cent of assistance requirements (US$ 1.7 million) had been pledged by donors as of 14 July. Most of the funding, provided by Denmark, Germany, Luxembourg, Sweden and Switzerland, was intended for UNHCR assistance programmes for refugees and internally displaced persons in Albania and Montenegro. The World Health Organization (WHO) and the United Nations Children's Fund (UNICEF) continue to jointly assess all possible means for assisting the networks and facilities to provide vaccination for children. WHO is intensifying its coordination with health-related non-governmental organizations (NGOs) to properly address the donations of medicine. UNICEF and UNHCR are to meet with the Ministry of Education of Montenegro in order to explore ways of supporting schools hosting classes with internally displaced children. WHO is also planning an assessment of the medical and psychosocial needs of the displaced population in Montenegro.

V. Observations

15. The limitations on my capacity to report on the situation in Kosovo, as requested in paragraph 14 of resolution 1160 (1998), remain unchanged. At the same time, it is my understanding that there has been an increase in the presence of diplomatic observers from European and Contact Group countries in general who, as I suggested in my last report, might be better placed to provide the Security Council with a reliable flow of information concerning the situation on the ground.

16. The continuing infiltration from outside the borders of the Federal Republic of Yugoslavia of weapons and fighting men is a source of continuing widespread concern. The sharp escalation of violence and the reported use of excessive force by security forces against civilians as part of the government operations against the KLA are cause for both distress and alarm. A particularly dangerous element in the situation is the move in certain quarters away from a willingness to search for compromise on a basis of multi-ethnic communities. Centrifugal tendencies appear to be gaining ground. As indicated in paragraphs 12 and 13, the continuing conflict has led to a growing number of internally displaced persons and refugees. This in turn causes further instability. The international community risks once against being placed in a position where it is only dealing with the symptoms of a conflict through its humanitarian agencies.

17. This situation is aggravated by the failure of the authorities of the Federal Republic of Yugoslavia and the Albanian Kosovars to enter into serious negotiations on the future status of Kosovo. The continuation or further escalation of this conflict has dangerous implications for the stability of the region. Given the responsibilities of the United Nations in the wider region and the ethnic makeup in neighbouring countries, I cannot but express my alarm at this prospect. Several Security Council-mandated or Security Council-authorized operations in the region are playing a useful role in promoting dialogue and harmony among different ethnic groups. I wish to record before the Security Council my strong hope that the question of Kosovo will be examined not in isolation but in a manner that fully takes into account and embraces the broad, regional context and the principles of the Charter of the United Nations.

ANNEX I

Information on the situation in Kosovo and on measures taken by the Organization for Security and Cooperation in Europe, submitted pursuant to paragraphs 13 and 16 of Security Council resolution 1160 (1998)

Summary

Since mid-June, there has been further escalation of the conflict in Kosovo, with the hostilities spreading to engulf the entire south-western part of the province.

By mid-July, the crisis had reached new levels of intensity. As the fighting drew nearer Pristina, the "Kosovo Liberation Army" (KLA) removed any ambiguity as to its intention to bring the province under its control.

Numerous armed clashes were reported from the regions of Kosovo bordering Albania.

All appeals of the international community for talks and a cessation of the hostilities have remained unanswered. Prospects for a negotiated settlement appear dim and time is running out for the attainment of a peaceful solution. The Kosovo crisis entered into a phase of unpredictable consequences for regional stability and is therefore a source of deep concern for the Chairman-in-Office as it is for the entire Organization for Security and Cooperation in Europe (OSCE).

Violence and the use of force

1. The period between the 16 June meeting between President Milosevic of the Federal Republic of Yugoslavia and President Yeltsin of the Russian Federation and the end of the month was marked by a drop in the number of combat operations in Kosovo. However, units of the Yugoslav Army remained active in the border region. Isolated incidents also took place along Yugoslavia's border with the former Yugoslav Republic of Macedonia.

2. Shortly thereafter the KLA became more active, moving on from defensive actions to sporadic attacks on the Yugoslav security forces. New

information continued to be received on the fighting between the KLA and the Serb security forces around Pec, Cecanice and Djakovic. Offensive operations, with heavy fighting and casualties, have been the hallmarks of the period since 20 July. The civilian population has also suffered losses and the numbers of the refugees from the area have grown.

3. Meanwhile, the OSCE presence (mission) in Albania has reported a number of serious armed clashes inside Kosovo, close to the border with Albania, with the number of such incidents increasing after 15 July. OSCE observers witnessed stepped-up military activities in the Decani area. Increased cross-border transit of KLA troops as well as shipments of arms and ammunition were recorded, as was a flare-up of the fighting on the border region on 18 July.

Situation on the Albanian/Kosovo border

4. Military activity by the Federal Republic of Yugoslavia has continued unabated since mid-May. In the border areas close to Albania, many villages and hamlets have been targeted. More recently, the larger town of Orahovac has also been the scene of fighting. This has caused an increase in the number of internally displaced persons. The refugee movement to Albania, however, has come to a virtual halt. This is probably a result of the deterrent measures by forces of the Federal Republic of Yugoslavia, including the laying of mines and increased patrols at the border.

5. The continued violence in Kosovo has reinforced overall militancy among ethnic Albanians on both sides of the border. KLA transborder activities have become increasingly overt. Regular movement of KLA arms/ammunition and manpower has been observed by OSCE across known refugee routes. There are strong indications that some of these routes have been mined on the Federal Republic of Yugoslavia side, and are targeted by direct and indirect fire. OSCE observers have recently sighted fresh shell craters 25 metres from the border on the Albanian side.

6. The increased levels of tension and armed confrontation have led to further destabilization of the north-east region of Albania. There are indications that the vital ferry link on the main supply route to the border area is under the control of the KLA.

Access to Kosovo

7. The number of visits to Kosovo by foreign diplomats posted in Belgrade has grown since the meeting between President Milosevic and President Yeltsin.

8. However, regions hit by heavy fighting and those preparing for armed operations were virtually impossible to visit. In danger zones Serbian police did grant individual passage permits while warning prospective travellers of considerable risk.

9. Units and outposts of the KLA continued to stop individuals for ID checks and sometimes refused to give access to some areas of Kosovo under its control.

10. On 6 July, the International Kosovo Diplomatic Observer Mission started work in the war-torn province, with the participation of the OSCE Troika. Observers from the United States of America, the Russian Federation and the European Union have set up offices in Pristina and operate from there.

11. On 21 July, at Belgrade, the heads of the diplomatic observer missions, representing Contact Group countries, the European Union (EU) Troika and the OSCE Chairman-in-Office, presented their first report on the situation in Kosovo.

Dialogue

12. Despite strenuous diplomatic efforts, the international community has so far failed to bring about a resumption of the dialogue between the country's authorities and representatives of the Kosovo Albanians. The Serbian side has reiterated its understanding that a dialogue should be conducted within the framework of Serbia and the Federal Republic of Yugoslavia and that the territorial integrity of Yugoslavia would first be guaranteed. Units of the Serb special forces remained in Kosovo.

13. Representatives of the Albanian negotiating team and the Chairman of the Kosovo Democratic League are of the opinion that the present-day conditions of conflict are not conducive to dialogue. In their view, a withdrawal from Kosovo of the Serb special forces, a cessation of the operations aimed against the Albanian civilian population and putting the idea of Kosovo's independence on the agenda of the negotiations would be their preconditions before a resumption of the dialogue.

14. The emergence on the Kosovar Albanian political scene of the KLA, as a force commanding considerable influence throughout the Albanian community, has introduced a new element into the idea of negotiations. Representatives of the KLA believe that the political parties should accept the existence and importance of the armed organization and that none of the parties represents the KLA. Neither do they recognize the leadership of Ibrahim Rugova. The KLA further rules out the possibility of declaring a ceasefire should the talks resume without them being accepted as one of the negotiating parties.

15. The commitment of the international community is of immense importance for the ongoing efforts to defuse the threat of a further escalation of the conflict. During their visits to both Belgrade and Pristina, international visitors have tried to pressure the two belligerent parties to stop the use of violence. The string of measures adopted with the purpose of bringing more pressure to bear on the Belgrade authorities includes the 8 June European Union decision (which went into force on 23 June) to freeze within the boundaries of the European Union all the fixed assets and financial resources of both the Federal Republic of Yugoslavia and Serbia, and the 29 June resolution of the Council of Ministers banning all flights by JAT airlines as well as other Yugoslav carriers to EU destinations.

OSCE activities

16. Following the communiqué released in Moscow on 16 June at the close of the meeting between President Yeltsin and President Milosevic, Mr. Bronislaw Geremek, Minister of Foreign Affairs of Poland and Chairman-in-Office of OSCE, wrote a letter to Mr. Milosevic requesting clarification of some points of the communiqué's paragraph dealing with OSCE. The letter elicited a response from Mr. Z. Jovanovic, Minister for Foreign Affairs of the Federal Republic of Yugoslavia, who wrote to Mr. Geremek inviting a delegation of political directors to Belgrade "to start negotiations simultaneously on the acceptance of the OSCE mission in Kosovo and Metohija and the regulation of the membership rights of the Federal Republic of Yugoslavia in the organization". In his reply Mr. Geremek proclaimed his "readiness to begin exploratory talks" between OSCE and the Federal Republic of Yugoslavia.

17. The exploratory talks, which were held at Belgrade on 3 July, revealed that the Federal Republic of Yugoslavia did not accept a return of the Gonzalez Mission and/or the OSCE long-term mission unless the problem of the Federal Republic's participation in OSCE had first been resolved. Moreover, the Federal Republic also rejected the idea of a step-by-step "re-establishment" of its membership. As a gesture of "good will", the Federal Republic invited an "OSCE assessment mission" to visit the Federal Republic of Yugoslavia without any preconditions.

18. As a result of the above invitation, an OSCE technical assessment mission visited the Federal Republic of Yugoslavia from 14 to 22 July 1998. Its report and conclusions are attached to the present report as a source of additional information.

Chairman-in-Office of the Organization
for Security and Cooperation in Europe

Warsaw, 24 July 1998

ENCLOSURE

Organization for Security and Cooperation in Europe

REPORT OF THE TECHNICAL ASSESSMENT MISSION ON ITS VISIT TO THE FEDERAL REPUBLIC OF YUGOSLAVIA FROM 14 TO 22 JULY 1998

I. MISSION OBJECTIVE

1. The mission had the task set by the OSCE Chairman-in-Office to go to the Federal Republic of Yugoslavia to make a preliminary assessment of the relations between OSCE and the Federal Republic of Yugoslavia, with a view to facilitating the mission of Mr. Felipe Gonzalez (as Personal Representative of the OSCE Chairman-in-Office) and a comprehensive resolution of these issues, including the re-establishment of the OSCE long-term mission to the Federal Republic of Yugoslavia on the basis of OSCE Permanent Council decision 218 of 11 March 1998.

II. FRAMEWORK

2. In Belgrade, the 12-member delegation, headed by Ambassador Hansjorg Eiff of Germany, met with the Foreign Minister of the Federal Republic of Yugoslavia at the outset as well as towards the end of the visit, and had discussions with Federal and/or Serbian ministers responsible for the media, national and minority rights, and culture; the Chairman and three other members of the Foreign Relations Committee of the Parliament of the Federal Republic of Yugoslavia (representing predominantly government opinion); the Serbian Commissioner for Refugees; leaders of the political opposition; non-governmental organizations (NGOs) (including human rights groups); representatives of the independent media; and international organizations. In Belgrade it also met with representatives of regional parties from the Sandjak and Vojvodina. The Head of Mission met twice with the foreign policy adviser of President Milosevic.

3. In Kosovo, the mission met the local Serb authorities; political representatives of Kosovo Albanians (including several members of the negotiating team); the Albanian Students Union; the Helsinki Committee; and the Kosovo Diplomatic Observer Mission.

4. In Montenegro, the mission was received by President Djukanovic and met with: the Prime Minister; the Chairman of the National Assembly; the Foreign Minister and the Minister responsible for ethnic minorities; and representatives of the media and of human rights organizations.

5. The Yugoslav authorities cooperated fully with the mission and provided assistance to facilitate its work.

6. The mission focused its work on the following issues:

- The possible return of the long-term missions to Kosovo, Sandjak and Vojvodina;
- The mission of the Personal Representative of the Chairman-in-Office for the Federal Republic of Yugoslavia;
- The situation on the ground in Kosovo, Sandjak and Vojvodina insofar as it would affect the work of the returned missions and the mission by the Personal Representative of the Chairman-in-Office;
- Recent developments in the areas of concern (e.g. media, judiciary, legal and electoral systems) highlighted by Mr. Gonzalez in his 1996 report;
- Possible participation of the Federal Republic of Yugoslavia in the work of OSCE.

III. RETURN OF THE LONG-TERM MISSIONS TO KOSOVO, SANDJAK AND VOJVODINA

7. There was a general recognition of the usefulness of the work of the three missions prior to their interruption in 1993. All regional groupings favoured a return of the missions to their areas. One Vojvodina representative suggested that that region might be covered from a base located more centrally in Belgrade, if a mission was to be established there. While some Albanians expressed reservations as to whether the mission in Kosovo could have prevented the serious deterioration of the situation, they believed that its presence could have served as a partial check on the violence. Many interlocutors noted that the missions generally could help to bridge the gap between the communities, and serve as a reassurance, and point of contact for the minorities. It was suggested that the missions could be given the mandate of an ombudsman, to receive and assess complaints about human rights violations submitted to them.

8. The Government of the Federal Republic of Yugoslavia side, both in Belgrade and in Pristina, also acknowledged the fairness and accuracy of the missions' reporting and recognized that, in the current situation, a mission could play a useful role in Kosovo. It was clear they would consider the possibility of a mission returning to Kosovo alone. They noted that OSCE missions were only dispatched to OSCE participating States. They placed the return of the mission to Kosovo firmly in the context of the agreement between President Milosevic and President Yeltsin in Moscow on 16 June and linked it to what they described as the simultaneous readmission of the Federal Republic of Yugoslavia to OSCE. The OSCE delegation stressed that the return of the missions was insufficient to secure the participation of the Federal Republic of Yugoslavia in the organization, which would require a consensus decision of all OSCE member States.

IV. ATTITUDE EXPRESSED TOWARDS THE MISSION OF THE PERSONAL REPRESENTATIVE OF THE OSCE CHAIRMAN-IN-OFFICE

9. The assessment mission emphasized to all its interlocutors its role of preparing the ground for the mission by the Personal Representative of the OSCE Chairman-in-Office, Mr. Felipe Gonzalez, and made it clear that it was no substitute for that mission. It also stressed that Mr. Gonzalez's mandate covered the whole of the Federal Republic of Yugoslavia, including Kosovo. The Foreign Minister said the Gonzalez mission of 1996 had been completed. The Federal Republic of Yugoslavia had not been consulted on the second mission. The Federal Republic was ready to discuss this once the question of its participation in the OSCE was settled. The Chairman of the Federal Parliament Foreign Relations Committee went further, stating that the mandate could not cover internal issues and criticizing the earlier report of Mr. Gonzalez.

10. All opposition political parties to whom the mission spoke as well as all representatives of the ethnic minorities, the independent media and human rights groups favoured a continuation of the Gonzalez mission. Many said so publicly during the visit. Among the most keen were those parties which had boycotted the Serbian Republic and presidential elections in 1997 because they had believed the electoral conditions were unacceptable. Some of the Albanian representatives noted that any international mediator on Kosovo would need strong international backing, and that there were already others involved in that field.

V. KOSOVO

11. Federal Foreign Minister Jovanovic, like other government representatives, emphasized the official view that the Kosovo problem was one of separatism and terrorism, and not of national and minority rights. The Government of the Federal Republic of Yugoslavia needed to defend the interests of all the residents of Kosovo. The situation could be resolved only through direct dialogue between the parties on a series of confidence-building measures and forms of self-governance for the province, including different forms of autonomy. The outcome must respect the territorial integrity of Serbia and the Federal Republic of Yugoslavia and the rights of all nationalities and minorities, according to European standards. The Minister also highlighted the progress he said the Federal Republic had made on humanitarian issues. He called for European countries to stop what he claimed was the provision of assistance to Albanian extremists in Kosovo from groups based on their territory.

12. The mission's visit to Pristina was depressing. The total lack of trust between the two communities, which was reflected both in an absence of everyday human contact and a lack of communication between representatives of the two communities, was striking. This was one of the key

reasons for the failure of the two sides to negotiate. It was very obvious that the most pressing need was for an immediate cessation of hostilities. The representatives of the local Serb authorities insisted that the Serb security forces only responded to attacks made on them by the so-called Kosovo Liberation Army (KLA). They claimed that the continuing presence of Serbian special units in the province was only necessary because of KLA attacks. They also denied that the Serbs had used disproportionate force in their engagements with the KLA. They handed the mission lists of names of 30 Albanians and 14 Serbs who they said had been killed by the KLA, together with a list of 111 Serbs, Albanians and other minority nationals who they claimed had been kidnapped since the beginning of the year. They said they were ready to continue the dialogue which had begun with the meeting between President Milosevic and Mr. Rugova on 15 May. But the Albanian side had failed to appear for the scheduled meetings since 22 May.

13. Representatives of the Kosovar Albanian political parties and community emphasized the need to find a rapid solution to the situation. They insisted that the KLA was a defensive grouping of Albanians who had taken up arms to protect themselves against the Serbian security forces. They highlighted the growing popularity of the KLA and the diminishing support for political parties as a whole. Some openly admitted that they had offered to serve as that body's political wing. But to date no party was fulfilling that role. Most significantly, no political personality distanced himself from the KLA.

14. The Albanians insisted that no dialogue could begin while, they maintained, Serb security forces continued attacking the Kosovar Albanian population. They stressed the importance of international involvement in the process, into which they said the KLA needed to be brought. All agreed that Kosovo's rights as set out in the 1974 Constitution were non-negotiable and constituted the starting point for any dialogue. Some believed that there should be an interim arrangement, including confidence-building measures, before talks on a final settlement could begin. In this context some parties looked to intervention by the North Atlantic Treaty Organization (NATO) to guarantee the security environment in the region. While some said the outcome of this dialogue should not be prejudged, it was clear that all interlocutors saw independence as the final goal. None were prepared to accept autonomy, to whatever degree, as the final outcome. There seemed to be no readiness either to accept a moratorium on the status issue.

15. The Kosovo Albanians told the mission that some 300 Albanians had been killed, and 150,000 displaced, since the beginning of the year. The Office of the United Nations High Commissioner for Refugees (UNHCR) said it had identified the whereabouts of some 57,000 internally displaced persons in the province but believed the total number was over 100,000. UNHCR said that, since mid-June, it had in principle been given free access to all areas by both the Serb authorities and the KLA. For the time being, food supplies seemed to be adequate. However, if the situation continued to deteriorate, the international community should be aware that the supply of food to the population could become very difficult once winter came. The Government of the Federal Republic of Yugoslavia said it had asked the Albanian Government to allow the Serbian Commissioner for Refugees to visit northern Albania, to meet the Kosovo refugees and to encourage them to return. So far the Federal Republic had not received any direct reply from Tirana. (This issue is being pursued by the Austrian European Union (EU) Presidency.) If a bilateral agreement could be reached, UNHCR would provide the logistics.

16. The Government of the Federal Republic of Yugoslavia said that it favoured a census held under OSCE auspices in Kosovo to establish the ethnic breakdown in the province.

VI. Sandjak

17. The mission's interlocutors placed the problems in the Sandjak in the context of the loss by the Muslims of their status as a nation (which they had held under the former Socialist Federal Republic of Yugoslavia) with the creation of the Federal Republic of Yugoslavia in 1992. Stress was placed upon the polarization between Muslims and Serbs, which encouraged voters to opt for parties representing more extreme ethnic options, and the resulting increase in tension between the two communities. The mission was told that Muslims were not adequately represented in key positions in State institutions, such as those of senior police officer and school headmaster. While the most serious human rights violations in the areas had occurred in the early 1990s, the mission was told that in July 1997, the Government had removed the elected Muslim local authorities in Novi Pazar on questionable legal grounds. It was noted that, since that action, no fresh elections had been called. Nor had appeals to the Constitutional and Supreme courts produced any response. This had led people to lose faith in the parliamentary system and the country's institutions. It could also encourage the radicalization of the population.

18. The attention of the mission was also drawn to the problems caused by the arrival in the Sandjak of refugees from Kosovo.

VII. Vojvodina

19. The mission noted that none of the Serbian and Hungarian regional party interlocutors from Vojvodina said they were seeking territorial autonomy. However, the representatives of one non-ethnic party pointed out that the return of territorial autonomy to Kosovo could lead to similar demands for Vojvodina and to unrest among the population. Most interlocutors were seeking increased personal rights (and in the case of some Serbs, a political decentralization of power to the Province of Vojvodina). One Hungarian party had had contracts with the Government to try to improve the community's position. This had led to the establishment of a consultative body for the province's main minority groups and the return of the teaching faculty from Sombor to the town of Subotica. While most interlocutors said the situation had improved since 1992, they pointed out that there were still outstanding concerns. These included State interference in local government (most recently in Titel) and the need for greater personal autonomy in fields such as education and social affairs.

20. The Croats claimed that as a "new minority" they did not enjoy any internationally recognized rights. They also asserted that when the citizenship documents from the former Socialist Federal Republic of Yugoslavia (which gave "Croat" as the nationality) of some Croats had expired, they had been refused new citizenship documents for the Federal Republic of Yugoslavia.

VIII. Montenegro

21. In Montenegro the mission's discussions centred on the conflict in Kosovo, the constitutional position of the Republic of Montenegro and the problems of democracy-building in the Republic. The Montenegrin leadership underlined strongly that their Republic and people had no part in the conflict in Kosovo. They quoted a Montenegrin National Assembly resolution stating that neither Montenegrin territory nor Montenegrin conscripts should be used in the conflict. They also highlighted the difficult situation created by the flow of refugees (an estimated 20,000) from the conflict area to the Republic, and they called for an increase in international relief assistance. The President stressed that the full involvement of an international mediator, and in particular OSCE, would be crucial, especially to re-establish mutual trust.

22. On the future status of Kosovo, the President ruled out both the options of retaining the status quo or making insignificant changes on the one hand, and independence on the other. He also rejected the option of giving Kosovo the status of a third republic in the Federation. If the latter occurred, Montenegro would reconsider its own place within that body. He seemed to favour some sort of far-reaching autonomy for Kosovo within Serbia, although he recognized the Kosovar Albanian dislike of any connection with Serbia.

23. President Djukanovic also set out Montenegro's current difficulties within the Federation, which he had discussed with Federal President Milosevic in the course of two recent meetings. Montenegro insisted on the right to nominate the Federal Prime Minister (in place of Bulatovic, who although a Montenegrin, was now Djukanovic's main opponent); and to

appoint half of the judges to the Federal Supreme and Constitutional courts; as well as to have equal rights with Serbia in the Central Bank.

24. The government representatives painted a positive picture of developments in the field of human rights, freedom of the media, the rule of law and the independence of the judiciary. Other representatives of human rights groups and the independent media gave a more critical assessment. Nevertheless, there was an impression that definite progress had been made, especially since the last presidential election. The mission was told that there was still room for improvement, especially in the attitude of magistrates, civil servants and the police. Both government and non-government representatives had high expectations of what could be achieved in this respect through continued cooperation with the Office for Democratic Institutions and Human Rights.

IX. Recent developments in the fields of human rights, the media, and judiciary, legal and electoral systems

25. The mission's findings on these issues are necessarily incomplete as it could not cover in depth the full range of questions in the time available.

A. *The media*

Summary. While the situation of the print media had improved and a network of independent radio and TV stations had been set up outside Belgrade, serious concern still remained in respect of the State media, the overall legislative framework governing the information sector and the Government's implementation of that legislation.

26. In the print media field, the mission noted that the number of independent publications had grown over the last two years. There is now a wide range of dailies as well as some weekly magazines, reflecting a diversity of opinion. These include a variety of publications, among them some dailies, in the Albanian language. But the mission was told that sales of newspapers were dropping and that the Yugoslav population looked mainly to the electronic media, in particular television, as its main source of information. It was also informed that the only factory producing roto-press paper in Serbia gave priority to pro-Government newspapers, which meant that many independent outlets had to import paper at higher prices.

27. In the electronic media field, the ANEM network of 33 independent local radio stations (including some stations run by municipalities in which the opposition had been victorious in the 1996 local elections) was established in 1997. The network is centred on Radio B 92 in Belgrade and covers some 60 per cent of the country. Opposition politicians said that this enabled them to gain access to the electronic media outside Belgrade. But serious problems with the legal framework governing the electronic media remain. Frequency allocation is in the hands of the Government; there is no independent regulatory council. The mission was told that the recent frequency competition (the first in five years, although it was said legislation prescribed annual competitions) was neither transparent nor strictly in accordance with the law. The Government had rejected the applications of a number of independent stations on technical grounds and had signed easily broken contracts, rather than issuing permits for the frequency licences. The media environment was governed by a series of laws and ministries at both the Federal and Republic levels, whose requirements and actions were often mutually contradictory. The Government had recently closed down independent stations (two of which were ANEM members) on the grounds that they were broadcasting without a licence, even though hundreds of others were doing likewise. These included the first attempt to establish a multi-ethnic radio station in Kosovo.

28. Concern was also expressed over the domination of the Serbian State television system, which constitutes the main source of information for the population as a whole. Its output totally supports the government line. It is the only TV network covering the whole of Serbia. Opposition leaders told the mission that they had no access to State TV and radio apart from the legally required appearances during election campaign. Independent analysis of its coverage of events during the 1997 elections showed a clear bias in favour of Government candidates. All independent media interlocutors said that Serbian State radio and TV and other pro-Government media were given preferential access to the Government's central information system, with independent outlets mainly being denied access to official press conferences, press releases, etc. This was denied by the Government.

B. *Elections*

Summary. There is still a lack of confidence in the electoral system in opposition and other non-governmental circles.

29. A number of interlocutors, and in particular those members of the opposition who had boycotted the 1997 Serbian Republic and presidential elections, expressed their lack of faith in the electoral system, which the OSCE observer mission saw as flawed in many respects. The critics focused in particular on the Government's decision fundamentally to change the number of constitutional units shortly before the elections without gaining the agreement of all the main political parties; the bias of the State media; and the election process in Kosovo. The mission was unable to examine the electoral system in detail. It will be necessary to follow up these concerns in advance of the next round of elections.

C. *The legal process*

Summary. There is a lack of confidence in non-official circles in the legal system.

30. A large majority of non-governmental interlocutors expressed a lack of confidence in the legal institutions and processes. The mission was told that all key positions in the main institutions, including the judiciary, were filled by Government supporters. This made it difficult to seek redress against the executive branch through the judicial system. On those occasions when verdicts against the Government were handed down, they were often not implemented by the State institutions, e.g. the court decision to overrule the expulsion of a Croat family from their house in the Radical Party-controlled municipality of Zemun; and the failure by the Government to return to Radio Pirot its equipment in accordance with a court order to that effect.

31. The Serbian Parliament in May 1998 adopted a law regulating the status of universities which reduced the status of all universities to economic enterprises. The post of Rector is identical to that of a company director. He and all the deans are appointed by the Government. Each university is run by a 15-member board, including 9 nominated (6 professors, 3 students) individuals from the university, and 6 political appointees. Heads of departments are appointed by the Dean, while other teaching staff are nominated by the Dean after consulting the Education Minister. Students are not allowed to form any political, religious or ethnic organizations at the university and are separated into three groups: those paid for from the budget; those partly financed from the budget; and those self-financed.

32. The Government justified the universities' loss of autonomy on the grounds that their financier (the State) had the right to administer them. It also claimed that the law gave the universities autonomy in respect of education and scientific and research work.

X. Attitude to the participation of the Federal Republic of Yugoslavia in OSCE

33. There was general support from both the Government of the Federal Republic of Yugoslavia and the Serbian opposition for future participation by the Federal Republic in OSCE, but a widely diverging range of views on the conditionality which it needed to satisfy to secure full participation. The Foreign Minister of the Federal Republic expressed his Government's interest in full participation in OSCE at as early a date as possible. It was wrong that the Federal Republic was the only European country excluded. ... claimed that it was already applying the organization's standards despite its non-participation. He insisted on the linkage he said had been established in the Milosevic/Yeltsin agreement between the start of simultaneous talks on the return of the long-term missions and the simultaneous membership of the organization by the Federal Republic of Yugoslavia (the text actu-

ally speaks of readiness to start negotiations with OSCE simultaneously on receiving its mission to Kosovo and on the restoration of the membership of the Federal Republic in OSCE). He said that the Federal Republic did not maintain it was the sole successor State of the former Socialist Federal Republic of Yugoslavia, but it did claim to be the continuing State thereof, and indeed of Serbia and Montenegro as established by the Congress of Berlin in 1878.

34. The degree of conditionality for participation sought by interlocutors in Belgrade varied from those who thought immediate membership was necessary, to those who believed membership would play into the hands of the Government and therefore favoured greater conditionality, e.g. the return of the Gonzalez mission and a commitment to make progress on the issues it addressed.

35. For the Kosovar Albanians, this did not appear to be a major issue. But all who expressed a view on the subject linked significant progress on Kosovo, including in one case the complete solution of the Kosovo problem, to OSCE membership. Of those advocating independence, one at least would like to see an independent Kosovo in OSCE.

36. The President of Montenegro was against participation by the Federal Republic of Yugoslavia in OSCE unless it demonstrated a cooperative attitude, not only in words but also in deeds. He reminded the mission of the Federal Republic's conduct following the suspension of Kosovo-related sanctions in May.

XI. Conclusions

37. The perceptibly deteriorating situation in Kosovo, together with the relative lack of progress on issues identified by Mr. Gonzalez in his December 1996 report, underlined the need for a rapid re-establishment of the long-term missions to Kosovo, Sandjak and Vojvodina and the return of the Personal Representative of the OSCE Chairman-in-Office to the Federal Republic of Yugoslavia. The Federal Republic was only prepared to consider discussing the terms of the mandate of the OSCE Chairman-in-Office's Personal Representative, Mr. Gonzalez, once the question of its participation in OSCE had been settled. There seemed to be a general willingness on all sides within the Federal Republic of Yugoslavia that the country should participate in the work of OSCE. But the degree of conditionality which it would have to satisfy to achieve this varied considerably.

38. The mission believed that its visit strongly underlined the need for the return of the long-term mission. Care would have to be taken that the work of the mission and other international efforts, such as the Kosovo Diplomatic Observer Mission, were not duplicated, and an assessment made, in the light of the situation at the time, of the extent to which the existing mandate was still valid. It could address issues such as the stimulation of dialogue between the two communities, serve as an ombudsman on human rights matters and provide some form of coordinating role for international activities in the area.

39. The lack of trust between the two communities in Kosovo, against the background of increasing violence, and the distance between the political positions as to how the conflict could be resolved, strongly reinforced the need for a committed high-level international involvement in the negotiation process.

40. The humanitarian situation needed to be observed carefully, as the supply of food to the population in winter could become very difficult, in particular if the situation in the province continued to deteriorate.

41. Although the scale of the problems of the Muslims in Sandjak was of a different magnitude from those of Kosovo, there was a case for a renewed presence of a long-term mission there.

42. The mission believed that the conditions in Vojvodina were such as to warrant coverage by the long-term mission.

43. A case can be made for the long-term mission to have its headquarters in Belgrade, with a sizeable presence in Kosovo and perhaps a branch office in the Sandjak. Since the visit of Mr. Gonzalez in 1996, the situation regarding the media and the judiciary, legal and electoral systems did not appear to have improved significantly, apart from some progress in the field of print media. There was a continuing lack of confidence in non-official circles in the legal system, including the legislation relating to the election process. Developments in these fields needed to be monitored with a view to an ongoing dialogue with the authorities, including offering expertise on how progress could be made.

44. The Law on the University gave great cause for concern, as it provided for government control over the administration and teaching staff and limited the possibility of political expression by students. It fell short of relevant European standards.

45. While the Federal Republic of Yugoslavia indicated its readiness to accept the return of the long-term mission to Kosovo, it was only prepared to do so in return for the simultaneous participation of the Federal Republic in OSCE.

46. The mission recommends the continuation of talks between the Chairman-in-Office and the Federal Republic of Yugoslavia on issues of relevance to relations between OSCE and the Federal Republic.

ANNEX II

Letter dated 14 July 1998 from the Secretary-General of the North Atlantic Treaty Organization to the Secretary-General

I am writing to inform you that the military authorities of the North Atlantic Treaty Organization (NATO) have completed their assessment of possible support for a monitoring regime in connection with Security Council resolution 1160 (1998), as noted in my previous letter to you of 11 June 1998. Having considered a variety of options, the North Atlantic Council has decided at this stage to proceed with the SFOR option to step up its efforts, within its existing mission and capabilities, to monitor the Bosnian border with the Federal Republic of Yugoslavia. In this context I can confirm that the necessary arrangements have been put in place to forward any relevant information on suspected violations in the SFOR area of operations via the monthly report to the United Nations or on an ad hoc basis as necessary.

Should circumstances change I will write to you again. In the meantime allow me to take this opportunity to assure you of our continuing close cooperation.

(*Signed*) Javier Solana

DOCUMENT S/1998/713*

Identical letters dated 5 August 1998 from the representative of Afghanistan to the Secretary-General and to the President of the Security Council

[Original: English]
[5 August 1998]

In reference to the statement by the President of the Security Council of 14 July 1998 [*S/PRST/1998/22*], I have the honour to forward herewith a note dated 5 August 1998 addressed to the Secretariat by the Ministry of Foreign Affairs of the Islamic State of Afghanistan.

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the Security Council and of the General Assembly.

(*Signed*) A. G. Ravan FARHADI
Permanent Representative of Afghanistan to the United Nations

ANNEX

Letter dated 5 August 1998 from the Ministry of Foreign Affairs of Afghanistan to the Secretariat

The Ministry of Foreign Affairs of the Islamic State of Afghanistan presents its compliments to the Secretariat and has the honour to communicate the following.

The Taliban's latest assaults in north-western Afghanistan, carried out by the Pakistani military intelligence service and its paramilitary personnel, once again reveal the true nature of Pakistan's wicked intentions for regional hegemony. In this regard, the statement by the President of the Security Council [*S/PRST/1998/22*] issued on 14 July 1998, two days after the invasion of Maymana, the capital of north-western Faryab Province, by the Taliban, has been totally disregarded by the aggressors.

After the Pakistani nuclear explosions in May, only 20 kilometres from the southern Afghan province of Helmand, it became clear that Pakistan was and still is pursuing military adventures throughout the region. The instigation of instability created by the nuclear explosions brings to light a Pakistani aim to expand its politico-military influence in the region.

According to reliable intelligence reports by the Islamic State of Afghanistan, the Pakistani military institution and its military intelligence service have, for some time, been engaged in renewed efforts to recruit and train new personnel to be subsequently dispatched into Afghanistan. For the past few months, the heavy shipments of military supplies and logistics to the Taliban have also been apparent. Purchase of new heavy armament consignments from Ukrainian arms dealers airlifted through Sharja airport in the United Arab Emirates, alleged to have been shipped to Taliban headquarters in southern Afghanistan, has been confirmed by the media. As such, the number of Pakistani paramilitary personnel in Afghanistan has steadily increased.

In fact, observers have been convinced that the forcible relocation of all non-governmental organizations in Kabul, which caused many of these agencies to stall their operations in Afghanistan, was a result of the fact that some staff members had, on numerous occasions, seen foreign non-civilian citizens. This has also affected the status of foreign journalists, encouraged not to visit Taliban-held territories.

The planned objective behind the Pakistani actions has been its desire to install in Kabul, broadening its authority throughout Afghanistan, a subservient protectorate state, in the fancy of realizing the "strategic depth" for which it has prayed for so long. Pakistan, being placed under time pressure, is growing weary of the situation on its eastern border and finds its immediate task to be the subjugation of Afghanistan. In fact, the Pakistani Minister for Foreign Affairs, Mr. Gohar Ayub Khan, confessed, in the Egyptian daily *Al-Ahram*, the Pakistani desire for attaining "strategic depth" in Afghanistan [*see S/1998/630*].

The Islamic State of Afghanistan strongly believes in a peaceful solution to the Afghan problem. Its participation in the Islamabad preparatory meeting in April, laying the ground for the *Ulema* (religious scholars) Commission, supervised by the United Nations Special Mission to Afghanistan, abruptly and unilaterally abandoned by the Taliban under the direct order of the Pakistani military intelligence service, is a manifestation of that fact. Despite numerous international appeals for the resumption of the talks, the Taliban showed no desire to continue face-to-face talks.

The Taliban intransigence, owing to their conviction in a military solution, is indicative of the Pakistani military determination to dominate Afghanistan. As such, any and all efforts culminating in a peaceful Afghan solution have been intentionally thwarted. It was not to anyone's surprise that the Taliban did not only reject attending the intra-Afghan grand meeting of 18 July 1998 in Bonn, Germany, striving to initiate what it hopes to be the traditional Grand Assembly, *Loya Jirga*, but, in fact, one week earlier, condemned the gathering. Subsequently, it launched major operations in north-western Afghanistan.

In the Taliban latest attacks and military rule in certain parts of north-western Afghanistan, large numbers of the civilian population — selected based on their ethnic background — have been forced out of their homes, airlifted and relocated in Kabul and Kandahar as hostages. Such heinous crimes against humanity presents a twofold reality: the Taliban do not and cannot trust the people; and the people in turn, are suspicious of the Taliban. Even in southern Afghanistan, where most of the population belongs to the Taliban's ethnic group, there is a great deal of resistance against their clique-imposed forced military conscription.

By using ethnic differences in Afghanistan, the Pakistani military intelligence service has made sure that one ethnic segment within the Afghan society can be used against another in a different part of the country, a phenomenon introduced in Afghanistan after the emergence of the Taliban.

Pakistan's intense diplomatic activities have been centred on covering its military operations in Afghanistan along with the Taliban. Unfortunately, numerous international circles, including the United Nations, have exhibited an unprecedented optimism about the Taliban's claim of a change of positions on numerous issues.

It has been hoped that accommodating the Taliban through appeasement would encourage them to resume peace talks and continue negotiations. Thus far, it has produced quite the opposite. Dismayingly, United Nations documents continue unjustly to equate all "sides" to the conflict, without drawing a distinction between aggressive elements versus those that just defend themselves, in the face of Pakistani expansionist designs, for the benefit of their national sovereignty and territorial integrity.

The Pakistani military intelligence service has used this appeasement policy as an opportunity to further its hegemonic ambitions. The Islamic State of Afghanistan regrets the lack of attention given to the depth of the disaster originating from the blatant interference and intervention by the Pakistani military intelligence service in the internal affairs of Afghanistan. As a result of the international community's shallow posture, without due regard for who engages in acts of aggression and who engages in acts of

* Circulated under the double symbol A/52/1003-S/1998/713.

defence, "both sides to the conflict" have been equally addressed. This puts equal blame on both sides, which is not fair at all. In essence, such an equation emboldens the aggressor.

While its military units are stationed at the gates of Kabul and can easily proceed into the city, the Islamic State of Afghanistan prefers a peaceful solution to the conflict. The Islamic State of Afghanistan is of the conviction that the attainment of a peaceful negotiated settlement will not jeopardize lives of innocent Afghans and will bring about future integration of all ethnic groups and the rule of law.

The Ministry of Foreign Affairs of the Islamic State of Afghanistan, while expressing its deep regret in the face of renewed vast assaults by the Taliban, furthering the sufferings of the Afghan people and delaying an early return of peace to the country, still believes in a peaceful negotiated settlement of the Afghan problem.

The Ministry of Foreign Affairs of the Islamic State of Afghanistan appeals to the United Nations and regional as well as other interested countries in the Afghan peace process to exert effective pressure on Pakistan to halt its aggressive adventurous policy towards Afghanistan. Pakistan must be inclined to join other neighbouring countries in their sincere and concerted endeavours to achieve a lasting and durable peace in Afghanistan.

Peace cannot be guaranteed in Afghanistan, even in the event that the Taliban mercenary group invades a greater part of our country. While resistance against the Taliban will continue unabated, only the peace process will suffer.

DOCUMENT S/1998/723

Report of the Secretary-General on the United Nations Observer Mission in Angola

[*Original: English*]
[*7 August 1998*]

I. Introduction

1. The present report is submitted pursuant to paragraph 4 of Security Council resolution 1180 (1998) of 29 June 1998, in which the Council, *inter alia*, requested me to submit a report by 7 August 1998 with recommendations regarding the United Nations involvement in Angola, taking into account the safety and freedom of movement of personnel of the United Nations Observer Mission in Angola (MONUA) and the status of the peace process. It covers developments since my last report of 17 June 1998 [*S/1998/524*].

II. Political aspects

2. After two months of frustrating delays, the Angolan Government and the União Nacional para a Independência Total de Angola (UNITA) held high-level consultations in Andulo on 18 and 19 June 1998, which led to a number of understandings, including an agreement to return all government authorities and UNITA party functionaries to the areas they had recently left. However, at the meeting, UNITA again failed to set specific dates for the extension of state administration to its four strongholds of Andulo, Bailundo, Mungo and N'Harea, although four joint Government/UNITA technical groups visited the areas on 19 June and completed the necessary preparatory work.

3. Shortly before his tragic death, my Special Representative, Mr. Alioune Blondin Beye, held intensive consultations with President José Eduardo dos Santos and the UNITA leader, Mr. Jonas Savimbi, in order to ensure the timely extension of state administration to these four localities and the earliest completion of the Lusaka Protocol [*S/1994/1441*]. On 22 June 1998, Mr. Beye met in Andulo with Mr. Savimbi, who reiterated his earlier promise to proceed with normalization before 30 June. Accordingly, and with the consent of the Government of Angola, on 24 June, the Security Council adopted resolution 1176 (1998), by which it postponed, until 1 July 1998, the entry into force of the additional measures stipulated in resolution 1173 (1998), dated 12 June 1998.

4. On 26 June 1998, Mr. Beye left Luanda to consult with several leaders of the region, in yet another effort to move the Angolan peace process forward. After holding consultations with the Presidents of Gabon and Togo, his aircraft crashed 16 kilometres north-east of Abidjan airport, while making an approach to land. All eight people on board, including Mr. Beye, five MONUA staff and two pilots, tragically lost their lives in the accident. The death of Mr. Beye occurred at a critical phase in the peace process. I immediately asked the Under-Secretary-General for Peacekeeping Operations, Mr. Bernard Miyet, to travel to Angola to reaffirm the United Nations commitment to the peace process. Mr. Miyet, who visited Angola from 29 June to 3 July, held intensive consultations with all parties concerned, including the Angolan Prime Minister, Mr. Van Dunem, and Mr. Savimbi. I designated the MONUA Force Commander, Major-General Seth Kofi Obeng, Officer-in-Charge of the Mission and temporarily assigned my Representative and Regional Humanitarian Adviser to the Great Lakes, Mr. Berhanu Dinka, as Senior Political Adviser to MONUA. I have also maintained active contacts with the parties, both in writing and through telephone conversations, urging them to exercise restraint and to take concrete steps to avoid the further deterioration of the situation in the country.

5. At the request of Mr. Savimbi, Major-General Obeng travelled to Andulo on 8 July to hold discussions on ways and means to stabilize the security situation and to resume the extension of state administration, particularly in the four strategic localities. The UNITA leader expressed his readiness to implement the measures agreed upon on 18 and 19 June, and suggested that MONUA should re-

open a number of its team sites to assist in re-establishing cooperation between the two parties on the ground. Mr. Savimbi also indicated that strict instructions had been given to all UNITA members to ensure the safety of all international personnel. Major-General Obeng offered to facilitate discussions on this and other issues within the framework of the Joint Commission, and requested UNITA urgently to send back to Luanda the head of its delegation, who had regrettably been absent from the capital for almost two months. Furthermore, the absence of senior UNITA representatives from the recently inaugurated party headquarters at Luanda has had a negative impact on the peace process.

6. Subsequently, UNITA was repeatedly asked by the Joint Commission to establish dates for the transfer of the four localities to the Government's control. However, in response, it linked any consideration of such dates to the re-establishment of its party structures where, it claimed, they had been dismantled. On 24 July 1998, MONUA, in consultation with the representatives of the three observer States (Portugal, the Russian Federation and the United States of America), presented to the parties a new timetable aimed at facilitating the extension of state administration to UNITA strongholds by 13 August 1998. However, despite strenuous efforts by MONUA and the observers to the peace process, no agreement could be reached on that plan.

7. The reporting period has been marked by the absence of any sustained dialogue between the Government and UNITA, as well as by the intensification of hostile propaganda, which has further deepened the mutual mistrust. UNITA claimed that, from April to June 1998, the Angolan National Police (ANP) had killed 263 of UNITA members and sympathizers. It also asserted that the Government was attempting to dismantle its party, and had so far eliminated its structures in 212 out of the 272 localities where state administration had been extended. For its part, the Government accused UNITA of trying to make the country ungovernable by reoccupying over 70 localities, which were earlier transferred to the Government's authority, and by killing hundreds of government functionaries and civilians and displacing tens of thousands of people.

8. On 21 July 1998, the Angolan Parliament adopted a resolution condemning the actions of UNITA and recommending that the Government take decisive steps to stop the armed conflict and consider taking measures regarding the participation of UNITA members in state institutions. A few days later, the UNITA Political Committee issued a communiqué insisting that the extension of state administration should be linked to the return of UNITA functionaries to all locations from which they had been expelled and the end of abuses perpetrated by ANP. At the summit of the Portuguese-speaking countries held at Praia, President dos Santos stated that Angola was in a state of "undeclared war" and requested the assistance of the international community. In particular, the Government has intensified contacts with the States members of the Southern African Development Community, which recently urged the international community to impose new measures against UNITA and called on Mr. Savimbi not to "prolong the suffering" of the Angolan people.

III. Military and security aspects

9. The military and security situation in the country has further deteriorated and the risks of a resumption of full-scale hostilities have increased significantly. UNITA forces have continued to threaten the Angolan Armed Forces (FAA) and the national police in Lunda Sul, Lunda Norte, Moxico, Uige and Cuanza Norte Provinces. Evidently, UNITA has maintained a significant military capability, despite its past declarations on the demilitarization of its forces. On many occasions, UNITA "residual" troops have been identified as being responsible for attacks on villages and most recently towns, as well as ambushes on major roads. There have also been incidents of selective killing and kidnapping in order to intimidate the population and dissuade it from cooperating with government authorities.

10. Government-controlled diamond-mining areas have also been attacked, in particular in the north-eastern region, and renewed minelaying activities have been reported. MONUA confirmed that, on 21 July 1998, over 100 civilians were massacred by unidentified elements in Bula, Lunda Norte Province. At the same time, statements by FAA and ANP and media reports have contributed to the spread of rumours and exaggerated stories about fighting in the provinces.

11. On the other hand, it is reported that FAA troops have started laying protective minefields around their positions in the Huambo, Saurimo and Luena regions. Furthermore, the Government has mobilized FAA and has embarked on forced conscription. Its troops are also demonstrating force by carrying out military training and live firing practices around population centres. At the same time, acts of violence perpetuated against UNITA supporters by the ANP and FAA have increased and many UNITA members have left government-controlled areas because of this harassment. Deployment of FAA and ANP forces has also caused the temporary closure of several airports and severely curtailed free movement of people.

12. The recent developments have seriously affected the activities of MONUA, which continues to monitor and investigate allegations, despite the lack of cooperation and increased restrictions imposed on its activities by both parties. As a precautionary measure, in June and July 1998, MONUA relocated 19 of its 44 team sites to safer areas, and modified its concept of operation, laying more emphasis on the provision of security to unarmed military and police observers and on the conducting of patrols and convoys. Despite all such precautions, UNITA cadres attempted to obstruct the relocation of the United Nations teams from Cazombo (Moxico Province), Mavinga and Jamba (Luando Lubango Province). The United Nations team site in Luau (Moxico Province) had to redeploy into the Democratic Republic of the Congo when the town came

under UNITA attack on 14 June 1998. In addition, a United Nations helicopter transporting an investigation team was shot at by unidentified armed elements while attempting to land in Toto (Uige Province) on 7 July 1998.

13. Owing to the prevailing insecurity, the downsizing of MONUA's military component has been temporarily suspended in accordance with Security Council resolution 1180 (1998) of 29 June 1998. However, the Portuguese logistic company of 93 personnel was repatriated in July, as requested by its national authorities. The Mission is thus left with a total number of 728 military personnel, composed of 414 troops belonging to three infantry companies, 185 military support personnel, 37 staff officers and 92 military observers (*see annex I*).

IV. Police aspects

14. The civilian police (CIVPOL) observers continue to monitor ANP activities in an attempt to ensure its neutrality, especially in the areas where Government control has been extended. They also monitor security arrangements for the UNITA leaders in Luanda, as well as the incorporation of Mr. Savimbi's security detachment into ANP. Of the 400 personnel officially belonging to that detachment, 117 were formally inducted into ANP in Andulo on 27 June 1998. The remaining personnel, who are reportedly deployed outside Andulo, were to be incorporated later. CIVPOL observers also conducted frequent patrols and visits to prisons and other detention centres and, together with human rights observers (*see sect. V below*), monitored the human rights situation.

15. Very little progress has been achieved in the collection of weapons from the civilian population; with the spread of insecurity, that important activity has virtually ceased. Very often, information concerning search operations were provided to MONUA only after the exercise had been carried out by ANP. The verification of the activities of bandits, including attacks on United Nations personnel and property, has been conducted with difficulty, since full cooperation from the government authorities or UNITA has not always been forthcoming.

16. The planned opening of five new CIVPOL team sites has been postponed because of the deteriorating security situation. However, in an attempt to enhance confidence and to reassure the local population, regular patrols of United Nations police officers are being carried out to the temporarily closed team sites. Furthermore, enhanced mobile investigative units that can visit problem areas on short notice have been established in Luanda and in the six regional headquarters.

V. Human rights

17. The human rights situation is lamentable. It is marked by extrajudicial executions, torture, arbitrary arrest and detention and severely restricted freedom of movement. The abuses have contributed to spreading fear among the population and have led to an increase in the number of internally displaced persons and of villages abandoned because of real or possible attacks. The high toll of casualties inflicted by UNITA residual forces and unidentified armed elements included women and children, *Sobas* (traditional leaders), local Government administrators and their families, as well as ANP officers.

18. At the same time, a significant number of abuses were committed against UNITA officials and sympathizers as well as UNITA demobilized soldiers, including arbitrary arrest and detention, torture or ill-treatment and harassment. In some cases, ANP asserted that they were arresting and detaining people on the grounds that they were UNITA members. Abuses have also occurred in the course of the recruitment drive by FAA, which it continues to deny. It should be noted that because of the restrictions on MONUA's freedom of movement, the Mission did not have access to certain areas to investigate the reported forced recruitment of civilians into UNITA's troops.

19. The present human rights situation underlines the need to continue to strengthen human rights activities, which can contribute to the promotion of confidence-building in the country by strengthening institutions necessary for post-conflict reconstruction, while also addressing allegations of individual human rights violations. Despite many difficulties and hesitations, there appears to be a willingness in Luanda and provincial capitals, as well as adequate opportunities, to strengthen the rule of law. This important activity will obviously require considerable assistance from the international community.

VI. Humanitarian situation

A. *Relief and rehabilitation*

20. The worsening security conditions in Angola have had a severe impact on the humanitarian situation.

21. Since March 1998, almost 120,000 persons have been confirmed as being internally displaced. However, unconfirmed reports of new, larger numbers of internally displaced cannot be verified owing to the lack of safe access. The total of internally displaced in Angola is estimated at a staggering 1.3 million persons, which represents over 10 per cent of the country's population. In addition, thousands of Angolans have fled the country for the Democratic Republic of the Congo. An influx of Angolan refugees has also been reported in Zambia and Namibia.

22. The humanitarian community's access to affected populations has been severely impeded by the spreading crisis and the attacks on its members in some areas of the country. Representatives of United Nations humanitarian agencies and non-governmental organizations in the field have been advised to restrict their movements and to remain mostly in provincial capitals. That has led to a substantial decrease in the number of missions to assess and monitor the humanitarian situation and to distribute relief assistance. Given those constraints, the humanitarian agencies can now

provide food assistance to only 50 per cent of the newly displaced. Moreover, the withdrawal of some of MONUA's formed military units that previously provided escorts to humanitarian missions has curtailed many regular activities in the provinces.

23. A recent outbreak of meningitis in some regions, which has also affected the internally displaced population, is an additional concern of the humanitarian community, which has to obtain sufficient medical supplies and then find secure routes to access the affected populations.

24. It appears that the erosion of confidence in the peace process has also adversely affected donors' response to the 1998 Inter-Agency Consolidated Appeal. So far, United Nations agencies have received only 36.7 per cent of the total of $91,200,142 requested for this year. The lack of sufficient funding threatens the continuation of some of the important programmes conducted by the United Nations agencies and the International Organization for Migration. Food aid, basic health services, essential relief and survival items are in short supply. The newly displaced population further increases the pressures on the already stretched resources of the humanitarian community.

25. As a result of the prevailing conditions, the much anticipated transition from relief-oriented programmes to recovery and rehabilitation programmes has to be postponed. It is evident that, without a substantial improvement in the security environment, more civilians will be affected by the violence and that Angola's hope to rapidly resume developmental activities will have been dashed.

B. *Demobilization and reintegration*

26. The demobilization of approximately 6,000 FAA military war-disabled personnel has not begun, pending provision by the Government of the necessary information about their locations and the availability of sufficient funds. The funding requirements for this important project is estimated at US$ 2.5 million.

27. As of July 1998, almost 34,000 out of 49,851 formally demobilized soldiers were registered with the National Institute for the Socio-Professional Reintegration of Ex-combatants and the counselling and referral services. Approximately 3,000 demobilized ex-combatants participated in quick impact projects and another 2,000 former soldiers were associated with vocational training programmes. At the same time, the implementation of the reintegration programme has been severely affected by the overall security situation in their country. Furthermore, the recently conducted outreach programme to rural areas has also been restricted to the accessible provinces. In the meantime, an independent evaluation of the reintegration programme, in which the Government participated, recommended that the mandate of the programme be extended to the soldiers demobilized during the 1991–1992 peace process and that a regional, rather than provincial, approach be introduced. It was also recommended that the overall time-frame be extended until the end of 1999 and the programme be implemented only in the areas where security conditions permit. Immediate funding requirements for this project amount to US$ 6 million.

C. *Demining*

28. Severe financial constraints, as well as the security situation, continued to hamper the implementation of the demining programmes in Angola. The lack of sufficient and timely donor contributions to the Special Trust Fund has resulted in the cessation of the training of new national demining teams and in the substantive reduction of the operational capacity of the seven existing brigades of deminers. These factors have led to the suspension of demining activities in some locations, which was compounded by shortages of transportation. The equipment currently used by the Angolan demining programme was originally purchased by the United Nations Angola Verification Mission III for the establishment of a national demining capacity. The transfer of this equipment from MONUA to the demining programme operating under the auspices of the United Nations Development Programme (UNDP) would facilitate the continuation of the programme. Accordingly, I intend to recommend to the General Assembly the donation of the necessary equipment to the United Nations Office for Project Services demining programme in Angola as part of the downsizing of MONUA. In consultation and agreement with the Government, UNDP intends to carry out a comprehensive review of the mine action programme in Angola during August and September 1998. In the meantime, immediate funding of the programme requirements for 1998 amount to US$ 3.4 million.

VII. Socio-economic aspects

29. The macroeconomic problems facing the Angolan economy are marked by increasing inflation, rapidly fluctuating foreign exchange rates and the Government's expenditure which is focused mainly on the payment of wages. Foreign currency exchange for normal business transactions has not been available through the national banks and new investment was made only in the oil sector. Economic instability has been compounded by a persistent budget deficit. Despite the efforts to contain the high inflation rates, prices of goods and services remain very high for the average consumer and the country once again appeared to be on the threshold of hyperinflation. Foreign exchange rates on the parallel market have recently escalated from 400,000 new kwanzas (NKz) to 580,000 NKz to one United States dollar, which represents nearly twice the official exchange rate. Because of Angola's heavy dependence on imported goods, market prices of these items have risen simultaneously with the current rates of exchange on the parallel market, thus further fuelling inflation.

30. Angola's economic difficulties have recently been exacerbated by the low price of oil on the world market. The Government has, therefore, been compelled to revise downwards its projections about the growth of the economy and

has had to make serious adjustments to the current budget. This notwithstanding, the budget deficit is likely to increase considerably.

31. In the meantime, the Government intends to pursue discussions with the International Monetary Fund (IMF) in August 1998, concerning a possible IMF-monitored structural adjustment programme. Partly because of the delays in the peace process, support provided to the implementation of the National Community Rehabilitation Programme has fallen far short of the level of pledges made at the 1995 Round Table Conference held at Brussels.

32. The support of socio-economic recovery continues to be one of the main objectives and areas of activities of the United Nations agencies and programmes. UNDP, the United Nations Population Fund, the World Food Programme, the Food and Agriculture Organization of the United Nations, the World Health Organization, the United Nations Educational, Scientific and Cultural Organization and the United Nations Children's Fund all participate in these activities according to their mandates and means. The current security situation in the country has gravely hampered the proper implementation of the long-term United Nations programmes, as well as the activities of international non-governmental organizations and bilateral donors.

VIII. Financial aspects

33. By its resolution 52/8 C of 26 June 1998, the General Assembly appropriated the amount of US$ 43.6 million gross, equivalent to US$ 10.9 million gross per month, for the operation of MONUA for the period from 1 July to 31 October 1998. The assessment of these amounts is subject to the decision of the Security Council to extend the mandate of the Mission beyond 15 August 1998. Therefore, should the Security Council decide to extend the mandate of MONUA, as recommended in paragraph 39 below, the cost of maintaining the Mission until 15 September 1998 would be met from the amounts appropriated by the General Assembly in resolution 52/8 C.

34. As at 31 July 1998, unpaid assessed contributions to the United Nations Angola Verification Mission (UNAVEM)/MONUA special account amounted to US$ 87 million. The total of outstanding assessed contributions for all peacekeeping operations at that date amounted to $1.5 billion.

IX. Observations

35. Regrettably, since my last report, there has been no improvement in the already deplorable situation in Angola. The country continues to drift towards full-fledged hostilities, despite the renewed efforts of the international community to avoid a precipitous turn of events.

36. I strongly urge the Government and UNITA to exercise the utmost restraint and to refrain from any steps which would further exacerbate the present situation, since this may destroy the difficult gains achieved in the peace process. I am most disturbed by the failure of UNITA to demobilize fully its forces and to facilitate the extension of state administration throughout the country, requirements which are the pillars of the Lusaka Protocol. These crucial obligations, as well as other major undertakings, must be fulfilled without further delay. UNITA also must stop its attacks against government-controlled areas and other attempts to destabilize the country. Similarly, ANP must refrain from practices inconsistent with its status as defined under the Lusaka Protocol.

37. I call on the Government and, in particular, UNITA to renew their efforts towards national reconciliation, to cease the exchange of threats and war rhetoric and to initiate immediately confidence-building measures, both at the national and local levels. These measures should include the expeditious reactivation of the joint mechanisms in the provinces. Needless to say, practical steps should also be taken to disengage the military forces on the ground, under effective MONUA verification.

38. For the peace process to be restored, all these steps require urgent implementation. However, genuine and meaningful dialogue will only be possible when the high-level UNITA representatives return to Luanda and participate constructively in the work of the Joint Commission. As soon as the above steps are carried out and the security situation improves, MONUA will be prepared to re-establish its presence in key locations throughout the country in order to facilitate cooperation and promote confidence. Alternatively, the United Nations will be compelled to reconsider its deployment on the ground.

39. In the meantime, I reaffirm the willingness of the United Nations to continue to help the Angolan people, provided there is an unequivocal commitment of the Government and UNITA to the peaceful resolution of the crisis on the basis of the Lusaka Protocol. Having the above in mind, I decided to send Mr. Lakhdar Brahimi to Angola as my Special Envoy. He will assess the various aspects of the situation in the country and advise me on the possible course of action. Mr. Brahimi, who arrived at Luanda on 31 July 1998, was received by President dos Santos on 3 August and by Mr. Savimbi in Andulo the following day. My Special Envoy will also consult with the Governments of neighbouring countries. He is expected to complete his assessment mission in approximately 10 days, after which I will be in a better position to make recommendations about the future role of the United Nations in Angola. In the meantime, I recommend that the Security Council extend the mandate of MONUA for one month, that is, until 15 September 1998.

40. In conclusion, I would like, once again, to pay tribute to the ultimate sacrifice of Mr. Alioune Blondin Beye, the five MONUA staff and the two pilots who perished in the aircraft accident on 26 June. The untimely death of the MONUA colleagues represents an incalculable loss for their families, for the international community and for the cause of peace. The best way to honour Mr. Beye, in memory, therefore, would be for the Government and, in particular, UNITA to work resolutely towards the genuine peace and national reconciliation, which the people of Angola deserve so much.

ANNEX

The United Nations Observer Mission in Angola: contributions as at 4 August 1998

	Military observers	*Civilian police observers*	*Staff officers*[a]	*Troops*	*Grand total*
Argentina	–	20	–	–	20
Bangladesh	3	18	1	–	22
Brazil	4	17	2	–	23
Bulgaria	3	20	–	–	23
Congo	2	–	–	–	2
Egypt	3	19	–	–	22
France	3	–	–	–	3
Gambia	–	4	–	–	4
Ghana	3	6	–	–	9
Guinea–Bissau	2	4	–	–	6
Hungary	3	8	–	–	11
India	5	17	8	138	168
Jordan	3	27	–	–	30
Kenya	3	6	–	–	9
Malaysia	4	25	–	–	29
Mali	3	24	–	–	27
Namibia	–	–	2	138	140
New Zealand	3	–	–	–	3
Nigeria	4	21	–	–	25
Norway	3	–	–	–	3
Pakistan	5	–	1[b]	–	6
Poland	4	–	–	–	4
Portugal	4	47	–	80	131
Romania	–	–	4	138	142
Russian Federation	3	–	3	105	111
Senegal	4	–	–	–	4
Slovakia	3	–	–	–	3
Spain	–	15	–	–	15
Sweden	3	20	–	–	23
United Republic of Tanzania	–	3	–	–	3
Ukraine	3	5	1	–	9
Uruguay	3	31	3	–	37
Zambia	3	23	8	–	34
Zimbabwe	3	22	4	–	29
Total	**92**	**402**	**37**	**599**	**1 130**

[a] Including Military Police.

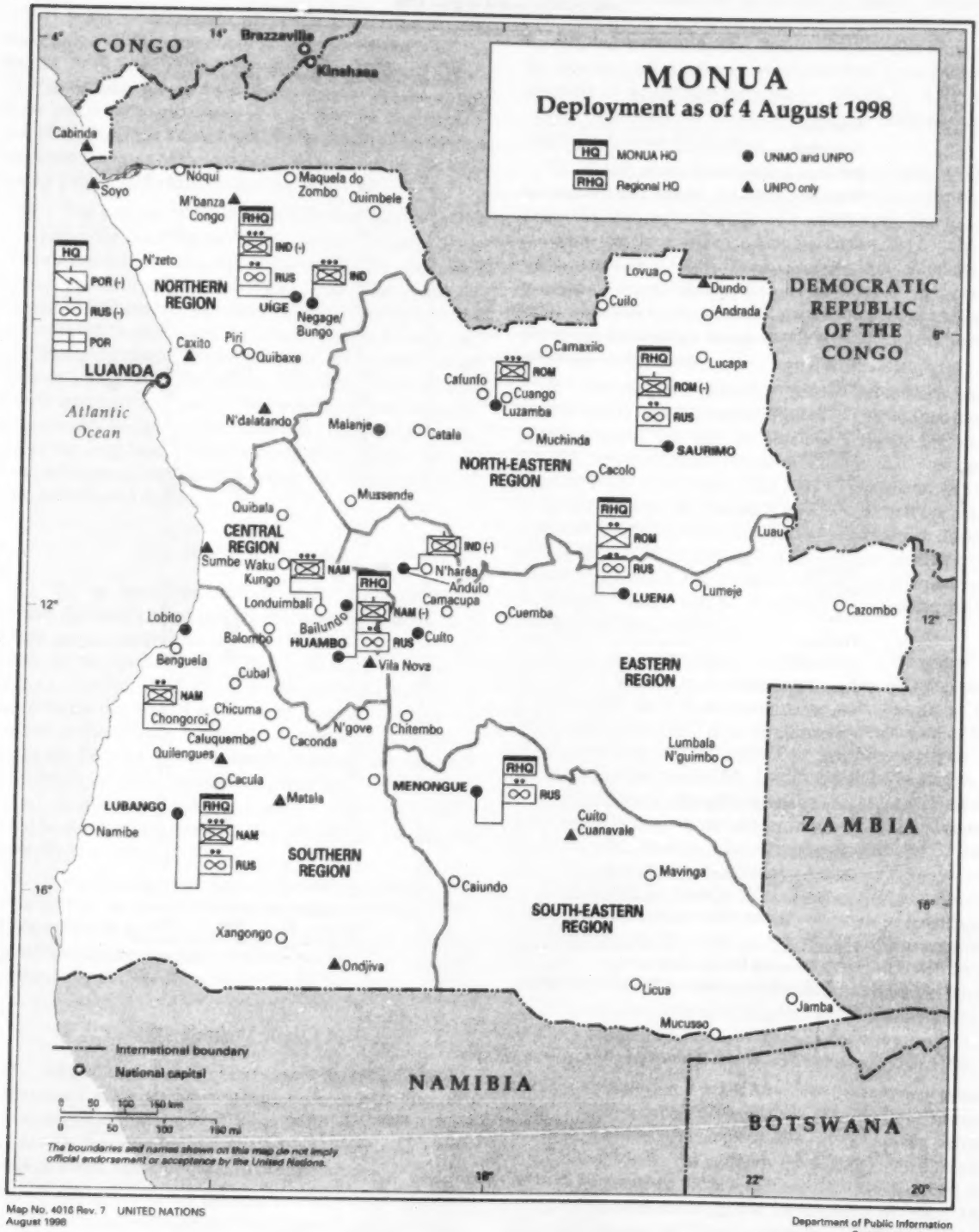
[b] A military specialist in the Demining School.

MAP

MONUA

Deployment as of 4 August 1998

[See map on next page.]


MONUA
Deployment as of 4 August 1998
HQ MONUA HQ
RHQ Regional HQ
UNMO and UNPO
UNPO only
CONGO
Brazzaville
Kinshasa
Cabinda
Soyo
Noqui
Maquela do Zombo
Quimbele
M'banza Congo
N'zeto
NORTHERN REGION
UIGE
Negage/ Bungo
Piri
Quibaxe
Caxito
LUANDA
Atlantic Ocean
N'dalatando
Malanje
Catala
Muchinda
Cacolo
Mussende
Quibala
CENTRAL REGION
Sumbe
Waku Kungo
Londuimbali
Lobito
Balombo
Benguela
Bailundo
HUAMBO
Cubal
Chicuma
Chongoroi
Caluquembe
Caconda
Quilengues
N'gove
Chitembo
Vila Nova
Cacula
Matala
LUBANGO
Namibe
SOUTHERN REGION
Xangongo
Ondjiva
NORTH-EASTERN REGION
Camacupa
Cuemba
Cafunfo
Cuango
Luzamba
Camaxilo
Lovua
Cuilo
Dundo
Andrada
Lucapa
SAURIMO
DEMOCRATIC REPUBLIC OF THE CONGO
N'harêa
Andulo
Cuito
LUENA
Lumeje
Luau
Cazombo
EASTERN REGION
Lumbala N'guimbo
MENONGUE
Cuito Cuanavale
Mavinga
Caiundo
SOUTH-EASTERN REGION
Licua
Jamba
Mucusso
ZAMBIA
NAMIBIA
BOTSWANA
International boundary
National capital
The boundaries and names shown on this map do not imply official endorsement or acceptance by the United Nations.
Map No. 4016 Rev. 7 UNITED NATIONS
August 1998
Department of Public Information
Cartographic Section

DOCUMENT S/1998/728

Letter dated 7 August 1998 from the Acting Chairman of the Security Council Committee established pursuant to resolution 864 (1993) concerning the situation in Angola to the President of the Security Council

[Original: English]
[7 August 1998]

I have the honour to transmit herewith a report of the Security Council Committee established pursuant to resolution 864 (1993) concerning the situation in Angola, adopted by the Committee under the no-objection procedure on 7 August 1998. The report is being submitted in accordance with paragraph 3 of Security Council resolution 1176 (1998) of 24 June 1998.

(*Signed*) Bernd H. NIEHAUS
Acting Chairman
Security Council Committee
established pursuant to resolution 864 (1993)
concerning the situation in Angola

ANNEX

Report of the Security Council Committee established pursuant to resolution 864 (1993) concerning the situation in Angola

On 12 June 1998, the Security Council adopted resolution 1173 (1998), by which the Council decided to impose the following additional measures against the União Nacional para a Independência Total de Angola (UNITA):

"*The Security Council*,

"...

"11. *Decides* that all States, except Angola, in which there are funds and financial resources, including any funds derived or generated from property of UNITA as an organization or of senior officials of UNITA or adult members of their immediate families designated pursuant to paragraph 11 of resolution 1127 (1997), shall require all persons and entities within their own territories holding such funds and financial resources to freeze them and ensure that they are not made available directly or indirectly to or for the benefit of UNITA as an organization or of senior officials of UNITA or adult members of their immediate families designated pursuant to paragraph 11 of resolution 1127 (1997);

"12. *Decides also* that all States shall take the necessary measures:

"(*a*) To prevent all official contacts with the UNITA leadership in areas of Angola to which State administration has not been extended, except for those by representatives of the Government of Unity and National Reconciliation, of the United Nations and of the Observer States to the Lusaka Protocol;

"(*b*) To prohibit the direct or indirect import from Angola to their territory of all diamonds that are not controlled through the Certificate of Origin regime of the Government of Unity and National Reconciliation;

"(*c*) To prohibit, upon notification by the Chairman of the Committee created pursuant to resolution 864 (1993) to all Member States of guidelines approved by that Committee, the sale or supply to persons or entities in areas of Angola to which State administration has not been extended, by their nationals or from their territory, or using their flag vessels or aircraft, of equipment used in mining or mining services;

"(*d*) To prohibit, upon notification by the Chairman of the Committee created pursuant to resolution 864 (1993) to all Member States of guidelines approved by that Committee, the sale or supply to persons or entities in areas of Angola to which State administration has not been extended, by their nationals or from their territory, or using their flag vessels or aircraft, of motorized vehicles or watercraft or spare parts for such vehicles, or ground or waterborne transportation services;

"..."

By paragraph 2 of resolution 1176 (1998), the aforementioned measures came into force on 1 July 1998.

On 17 July 1998, the Committee adopted, under the no-objection procedure, the revised consolidated guidelines for the conduct of its work, which were transmitted by a note verbale on 21 July 1998 to all States for their information and use as necessary.

In accordance with paragraph 4 of resolution 1176 (1998), Member States are required to provide information to the Committee on the measures they have adopted to implement the provisions of paragraphs 11 and 12 of resolution 1173 (1998). Under paragraph 3 of resolution 1176 (1998), the Committee is required to report to the Security Council by 7 August 1998 regarding the actions taken by States to implement these measures.

As of 7 August 1998 replies received from 17 Member States were issued as documents of the Committee as indicated below:

Hungary	2 July 1998	S/AC.31/1998/26
New Zealand	22 July 1998	S/AC.31/1998/27
Sweden	22 July 1998	S/AC.31/1998/28
Norway	24 July 1998	S/AC.31/1998/29
Finland	28 July 1998	S/AC.31/1998/30
Turkey	30 July 1998	S/AC.31/1998/32
Colombia	30 July 1998	S/AC.31/1998/33
Singapore	31 July 1998	S/AC.31/1998/34
Slovakia	31 July 1998	S/AC.31/1998/35
Brazil	3 August 1998	S/AC.31/1998/36
Ukraine	3 August 1998	S/AC.31/1998/37
Democratic People's Republic of Korea	4 August 1998	S/AC.31/1998/38
Sudan	4 August 1998	S/AC.31/1998/39
Germany	4 August 1998	S/AC.31/1998/40
Portugal	6 August 1998	S/AC.31/1998/41
United Kingdom of Great Britain and Northern Ireland	31 July 1998	S/AC.31/1998/42
France	6 August 1998	S/AC.31/1998/43

DOCUMENT S/1998/732

Letter dated 7 August 1998 from the Secretary-General to the President of the Security Council

[Original: English]
[10 August 1998]

I have the honour to convey the attached communication, dated 6 August 1998, which I have received from the Secretary-General of the North Atlantic Treaty Organization.

I should be grateful if you would bring it to the attention of the members of the Security Council.

(*Signed*) Kofi A. ANNAN

ANNEX

Letter dated 6 August 1998 from the Secretary-General of the North Atlantic Treaty Organization to the Secretary-General

In accordance with Security Council resolution 1088 (1996), I attach the nineteenth monthly report on operations of the Stabilization Force (SFOR). I would appreciate your making this report available to the Security Council.

(*Signed*) Javier SOLANA

APPENDIX

Nineteenth monthly report to the Security Council on the operations of the Stabilization Force

1. There are approximately 34,000 troops currently deployed in Bosnia and Herzegovina and Croatia, with contributions from all countries of the North Atlantic Treaty Organization (NATO) and, with the departure of Malaysian troops from the theatre at the end of June, from 21 non-NATO countries.

2. Over the reporting period (21 June–20 July), SFOR continued to conduct surveillance and reconnaissance by means of ground and air patrols. Approximately 2,900 sorties were flown by combat aircraft, with the SFOR helicopter fleet flying approximately 117 hours.

3. SFOR has continued to monitor crossing points on the border with the Federal Republic of Yugoslavia and to inspect government factories in order to help ensure compliance with the prohibition on the transport of weapons established by Security Council resolution 1160 (1998). No reports of non-compliance have been received.

4. Following the restructuring agreement concluded by the Office of the High Representative in February, SFOR has now withdrawn from three transmission towers used by Srpska Radio Television at Duja Nijva, Udrigovo and Leotar. It continued to secure the two remaining towers, at Veliki Zep in Multi-National Division North (MND(N)) and at Trebevic in MND (South-East).

Cooperation and compliance by the parties

5. The parties remain substantially compliant with the most military provisions of the Peace Agreement across the whole area of operations. However, over the reporting period there have again been isolated instances of arson attacks and inter-ethnic tensions.

6. SFOR continues to monitor compliance with the Common Licence Plate Programme and, over the reporting period, confiscated two Bosnian Serb military vehicles for a 30-day period for non-compliance with the Programme.

7. Over the reporting period, SFOR troops conducted a total of 304 military weapons storage site inspections: 75 Bosniac; 57 Bosnian Croat; 144 Bosnian Serb; and 28 Federation. Only minor discrepancies were noted. On 9 July, SFOR confiscated an SA-2 Fan Song radar unit from the Bosnian Serbs following unauthorized radar activity on 21 May in Banja Luka.

8. The Police Anti-Terrorist Brigade (PATB) and the Police Unit for the Protection of Persons and Buildings of the Republika Srpska Specialist Police remain compliant with the terms of the Peace Agreement and with the requirements established by SFOR on 15 August 1997. The Restructuring and Training Programme led by the United Nations International Police Task Force (IPTF) and monitored by SFOR began in early June, and 405 PATB officers had completed human dignity training by 11 July.

9. One illegal checkpoint was identified on 5 July and was dismantled without incident.

10. Over the reporting period, SFOR monitored a total of 1,463 training and movement activities: 505 Bosniac; 83 Bosnian Croat; 783 Bosnian Serb; and 92 Federation. SFOR imposed a training and movement ban from 6 to 12 July on Logistic Base 2204 of the Federation armed forces because of non-compliance during an activity conducted on 1 July. In addition, a ban was placed from 8 to 14 July on the 2nd Battalion Training Centre of the Bosnian Croat armed forces because of non-compliance during an exercise conducted from 19 to 30 June.

11. SFOR troops monitored 167 demining operations: 55 Bosniac; 57 Bosnian Croat; and 55 Bosnian Serb. A total of 29 anti-tank mines, 234 anti-personnel mines and 22 items of unexploded ordnance were removed. The lower than normal figures for this period reflect the upgrading and refresher training undertaken by all entity armed forces deminers between 1 and 12 July. All teams returned to the field on 13 July. There are currently no bans imposed on the entity armed forces for non-compliance with demining operations.

Cooperation with international organizations

12. Within its capabilities, SFOR continued to provide assistance to the international organizations in theatre, working routinely with the Organization for Security and Cooperation in Europe (OSCE), IPTF, the Office of the High Representative, the International Criminal Tribunal for the Former Yugoslavia and the Office of the United Nations High Commissioner for Refugees.

13. SFOR continues to support OSCE in its preparations for the September elections in Bosnia and Herzegovina through the provision of a secure environment for voter registration. The registration of parties, candidates and alliances took place as intended by the Provisional Elections Commission without incident.

14. SFOR continues to provide assistance to the Office of the High Representative in the field of civil air traffic. Approval from the Council of Ministers is still awaited for the revisions to the Memorandum of Understanding which will permit cargo operations and allow commercial aircraft to remain overnight at Sarajevo airport. The inaugural flight into Mostar airport took place on 7 July.

15. SFOR continues to play an active role in providing support to the Office of the High Representative's efforts to establish joint institutions,

particularly the Standing Committee on Military Matters (SCMM). At the SCMM meeting of 2 July, the programme of work for the coming six months was discussed. Issues to be considered include the potential for joint activities between the entity armed forces and the proposals put forward by SFOR for the use of military helicopters to cross the inter-entity boundary line when carrying senior government officials from the joint institutions and entity governments.

Outlook

16. Tension is expected to rise in the run-up to the September elections. The return of refugees and displaced persons is also likely to be accompanied by increased tension and acts of intimidation and violence. SFOR will continue to help ensure the provision of a secure environment to support and promote returns, in accordance with its mandate.

DOCUMENT S/1998/737*

Note by the Secretary-General

[*Original: English*]
[*10 August 1998*]

The Secretary-General has the honour to transmit to the members of the General Assembly and to the members of the Security Council the fifth annual report** of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, submitted by the President of the International Tribunal in accordance with article 34 of its statute [*see S/25704, annex*] which states:

> "The President of the International Tribunal shall submit an annual report of the International Tribunal to the Security Council and to the General Assembly."

* Circulated under the double symbol A/53/219-S/1998/737.

** The report is not reproduced in the present supplement; it may be consulted in the files of the Secretariat.

DOCUMENT S/1998/750

First progress report of the Secretary-General on the United Nations Observer Mission in Sierra Leone

[*Original: English*]
[*12 August 1998*]

I. Introduction

1. By paragraph 19 of its resolution 1181 (1998) of 13 July 1998, the Security Council requested me to submit an initial report within 30 days of the adoption of the resolution and every 60 days thereafter on the deployment of the United Nations Observer Mission in Sierra Leone (UNOMSIL) and its progress in carrying out its mandate, and also to inform the Council on plans for the later phases of the deployment of UNOMSIL when security conditions permit these to be implemented. The present report, which is submitted pursuant to that request, describes developments since my fifth report on the situation in Sierra Leone [*S/1998/486*] dated 9 June 1998.

2. The present report is also submitted in accordance with paragraph 10 of resolution 1162 (1998) of 17 April 1998 and paragraph 8 of resolution 1171 (1998) of 5 June 1998.

II. Situation in Sierra Leone

Activities of the Government of Sierra Leone

3. Since my last report, the Government of Sierra Leone has continued to strengthen its authority and improve its organization and functioning, including through the adoption, following a wide-ranging parliamentary debate, of a budget for the remainder of 1998. On 7 August, President Kabbah visited the provincial towns of Bo, Kenema and Makenie. Some 45 of the 52 paramount chiefs have returned to their districts in the south of the country.

4. Significant improvements have occurred in relations between Sierra Leone and Liberia. On 22 and 23 June, a Liberian delegation led by Senator Kekura Kpoto visited Freetown to deliver a special message from President Taylor to President Kabbah concerning ways to promote peace between Guinea, Liberia and Sierra Leone, the Mano River Union countries. The delegation also denied allegations that the Liberian Government was supporting the remnants of the Armed Forces Revolutionary Council (AFRC) and the Revolutionary United Front (RUF), and expressed concern that some Liberian dissidents were reported to be planning to use Sierra Leone as a base from which to attack Liberia. At the conclusion of the meeting, President Kabbah issued a statement reaffirming his commitment to subregional peace and security and calling for strict adherence to the existing non-aggression pact and good neighbourliness treaty contained in the Mano River Union Agreement.

5. On 1 July 1998, during my visit to Abuja, together with the President of Nigeria, General Abdulsalam Abubakar, I jointly convened a meeting between President Taylor and President Kabbah, the Heads of State of Liberia and Sierra Leone. The two Heads of State reached agreement at that meeting on a number of confidence-building measures to improve relations between their countries. The Presidents, *inter alia*, strongly condemned the continued rebel activities in Sierra Leone, as well as the horrendous atrocities committed there, and agreed to exchange official visits. The communiqué issued at the end of the meeting was circulated as document S/1998/629.

6. On 20 July 1998, President Kabbah paid a one-day visit to Monrovia at the written invitation of President Taylor to attend the Liberian National Reconciliation Conference. The meeting of the two Presidents was held in the presence of the Reverend Jesse Jackson, Special Envoy of the President of the United States of America to Africa. In a joint communiqué issued after the meeting, President Taylor and President Kabbah again condemned all atrocities and violations of human rights committed by combatants in Sierra Leone against civilians, as well as the continued rebel activities in that country. They reaffirmed their commitment to non-aggression against the territorial integrity of each other's country and pledged to continue their cooperation towards peace and security in the subregion. Both leaders renewed their call to the United Nations and the Economic Community of West African States (ECOWAS) to deploy observer units on the Liberia/Sierra Leone border and agreed to coordinate border security activities. President Taylor accepted an invitation from President Kabbah to visit Sierra Leone at a date to be announced.

7. In a later development, the Government of Sierra Leone has denied any involvement in an alleged plot to overthrow the Government of Liberia, which has been widely reported in Monrovia.

8. On 25 July 1998, the Nigerian Government released the leader of RUF, Corporal Foday Sankoh, to Sierra Leonean custody in Freetown. The Government of Sierra Leone has now detained Corporal Sankoh and issued a public statement calling on his supporters, who are still fighting, to surrender to ECOMOG, to my Special Representative or to any religious organization by 8 August 1998. The Government statement called for an end to fighting and urged Sierra Leoneans to turn their attention and energies to the elimination of poverty, disease and illiteracy. In a television appearance with the Sierra Leonean Minister of Information, Corporal Sankoh appealed to the remnants of RUF to halt atrocities against the people of Sierra Leone and to surrender to United Nations observers or to the Military Observer Group of ECOWAS (ECOMOG). A subsequent Government statement issued on 3 August reiterated the 8 August deadline for the amnesty. There has been no significant response to the Government's call.

9. Following the visit to Sierra Leone of my Special Representative for Children and Armed Conflict, Mr. Olara A. Otunnu, in May, the Government has accorded special attention, and has welcomed efforts by United Nations agencies, to promoting the welfare, rights and protection of children and to addressing challenges posed by the "youth crisis" and the high growth rate of the population. In July, Vice-President Albert Joe Demby publicized the 1998 edition of the UNICEF report, *The Progress of Nations*, while the Minister of Finance, Development and Economic Planning, Mr. James Jonah, delivered a radio address on World Population Day, in which he highlighted the Government's intention to rehabilitate and reconstruct all war-affected areas, increase the rate of economic growth faster than population growth and reduce poverty.

Activities of the Military Observer Group of the Economic Community of West African States and the military and security situation in Sierra Leone

10. Since the end of June, the military and security situation in Sierra Leone has improved somewhat as reports of atrocities committed by elements of the former junta have markedly declined. Despite the onset of the rainy season, ECOMOG, has maintained its pressure on Kailahun district, the remaining stronghold of the former junta in the eastern part of the country. At the same time, ECOMOG positions in Koidu, also in eastern Sierra Leone, have repeatedly come under mortar attack during the last few weeks and the situation in the north-east remains volatile and unpredictable, as was shown by the rebels' capture and brief occupation of Kabala.

11. Security in Freetown has generally been good. However, on 19 July 1998, a gun battle lasting approximately one hour broke out in Freetown between ECOMOG and a band of 15 men described as robbers. The men were all captured the same day without bloodshed.

12. In the countryside, elements of the former junta are concentrated around Kailahun and Koidu in relatively large numbers, while smaller groups have been operating in northern and central Sierra Leone. Sometimes these groups have harassed ECOMOG units and the civilian population, perpetrating atrocities and destroying property, but on a much smaller scale than was the case in June. Attacks by ECOMOG, including air strikes, are thought to have inflicted significant casualties on the rebels and broken them up into smaller groups, curtailing their activities. Reported shortages of food and ammunition among the rebels have increased the risk that they could attack ECOMOG convoys and isolated settlements in order to resupply themselves. The southern part of the country and the area around Freetown in the west have been calm, except for the incident described above.

13. On 27 July 1998, apparently after seizing weapons and ammunition in an attack on ECOMOG units at Bendugu in north-eastern Sierra Leone, junta supporters attacked ECOMOG troops in the town of Kabala. The attack, which was preceded by a feigned offer to surrender, was well-coordinated and launched from three sides. The rebels succeeded in taking the town and temporarily driving out the ECOMOG defenders. At about the same time, the rebels attacked a civilian bus about 10 kilometres south of Kabala, killing seven passengers.

14. By 31 July, ECOMOG troops moved back in force into Kabala as rebel forces withdrew. The rebels caused extensive property damage, including the destruction of some

200 houses, plundered the town and extorted money from the civilian population, whom they threatened to use as human shields in the event of a counter-attack. No mutilations have been reported.

15. During the past few weeks, ECOMOG has inducted fresh troops into the Kenema sector in south-eastern Sierra Leone, with a view to reinforcing its presence near Kailahun. The deployment of an additional brigade, comprising three battalions, has enabled ECOMOG to mount more aggressive patrols, at times in conjunction with the Sierra Leonean Civil Defence Force. ECOMOG has also reinducted former Republic of Sierra Leone Military Forces (RSMLF) personnel, amounting to approximately three battalions, or 2,500 men, alongside its own troops to assist with the protection of supply lines and, in some cases, in combat duties. The provision of logistical assistance to ECOMOG, thanks to the bilateral contribution of the United States of America, has helped to improve operational capacity. ECOMOG has also been withdrawing exhausted troops with a view to rotating them. Nonetheless, ECOMOG, with an estimated 10,000 troops in theatre, is still overstretched and in need of significant additional logistical support, in order to contain the rebels and restore and maintain order in the eastern and northern parts of the country.

16. While the Civil Defence Force is nominally under the command and control of ECOMOG, reports continue to be received of unruly or criminal behaviour on the part of some members of the Force outside their own home districts. Strains that developed between ECOMOG and the Civil Defence Force in some places appear to have been successfully resolved or contained through the intervention of senior commanders. Some members of the Force have also been accused of human rights violations and criminal acts, including looting, confiscation of vehicles and civil disturbances, although allegations of summary killings and the torture of prisoners have dropped sharply since the end of May, apparently as a result of intervention by the Government and ECOMOG. The Civil Defence Force has made a commitment to end its practice of recruiting and initiating child soldiers, who comprise a high proportion of their ranks and who have been sent into combat.

III. Activities of the United Nations

Deployment of UNOMSIL

17. Pursuant to the creation of UNOMSIL by the Security Council by resolution 1181 (1998), I wrote to the President of the Council on 16 July 1998 to inform him of the countries that were contributing observers to the mission [*see S/1998/673 and S/1998/674*] and of the appointment of Brigadier-General Subhash C. Joshi (India) as Chief Military Observer. In accordance with paragraph 9 of resolution 1181 (1998), I took advantage of the presence of President Kabbah at the special conference on Sierra Leone, held at Headquarters on 30 July 1998, to propose to him the terms of a status of mission agreement. As I informed the President of the Security Council in my letter of 3 August 1998 [*S/1998/714*], the Minister for Foreign Affairs of Sierra Leone, Mr. Sama Banya, at once replied indicating his Government's acceptance. As I also mentioned in my 3 August letter, on the basis of the Government of Sierra Leone's programme for the disarmament, demobilization and reintegration of former combatants, issued to participants at the special conference, I have written to the Chairman of ECOWAS proposing arrangements by which ECOMOG would be responsible for the security of United Nations personnel in Sierra Leone.

18. In accordance with resolution 1181 (1998), the eight military liaison personnel already deployed in Sierra Leone since May 1998 pursuant to resolution 1162 (1998) have now been redesignated United Nations military observers. The additional 32 officers who are in the process of being deployed, including those in the first phase, are from China, Egypt, India, Kenya, Kyrgyzstan, New Zealand, Pakistan, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and Zambia. As of 10 August 1998, a total of 26 officers have been deployed in Sierra Leone, with more to come over the next few days (*see annex*). The medical unit is expected to arrive in the country by 20 August.

19. As indicated in my report of 9 June and as outlined in the Government plan mentioned in paragraph 17 above, one of the priority tasks of the military observers, in accordance with the mandate set out in resolution 1181 (1998), is to monitor the demobilization of former combatants already disarmed by ECOMOG and concentrated in secure areas of the country, primarily at Lungi. In addition, in order to continue to monitor and report on the military and security situation, two observers are already deployed at Bo and two at Makeni, with the headquarters of ECOMOG brigades based there.

20. The Chief Military Observer and his staff will continue to be based at Freetown and an observer team will cover the area around the capital, including Hastings. The largest deployment outside Freetown will be at Lungi, with smaller teams deployed to the ECOMOG brigade headquarters at Bo, Kenema and Makeni, as the security situation permits and as the Government makes progress in the implementation of its disarmament and demobilization plan. Further deployments are planned in due course to cover locations in the north, south and centre of the country, co-deployed with ECOMOG units, including in Sumbuya, Sulima, Zimmi, Joru and Kabala. Eventually, as order is restored to the parts of the country where fighting has been taking place and subsequent phases of deployment take place, it is envisaged that United Nations observers would also be co-deployed with ECOMOG units at Kailahun and Koidu.

21. As I informed the Council in my report of 9 June [*S/1998/486, paras. 78 and 79*], I have pursued with President Taylor the possibility of an eventual co-deployment of United Nations military observers with ECOMOG troops at the border between Liberia and Sierra Leone. This proposal was reiterated in the communiqués following the meetings between President Taylor and President Kabbah at Abuja on 1 July 1998 and at Monrovia on 20 July 1998. My Special Representative will, at the appropriate time, dispatch a small team of observers from Freetown to ex-

amine the feasibility of such a deployment and I will revert to the Council accordingly.

22. In accordance with resolution 1162 (1998), a civilian police adviser, Deputy Commissioner Maritz du Toit (Namibia), was deployed in Sierra Leone in July. Following the adoption of resolution 1181 (1998), four more advisers will be deployed as soon as possible. Their role will be to assist in restoring the confidence of the Government and people of Sierra Leone in the police force, which incurred widespread public contempt for its role in supporting the junta, and to advise the Government on training and re-equipment needs. The United Nations civilian police will work closely with a team of police advisers deployed at the request of the Government from Commonwealth countries.

23. Since his arrival, Deputy Commissioner du Toit has established close relations with the Government and with his counterparts and has paid extensive visits to Sierra Leonean police stations within and outside the capital. He has also met with the Commonwealth police advisers to discuss cooperation between the Commonwealth and the United Nations in the conduct of their respective mandates.

Special Conference on Sierra Leone

24. As outlined in my report of 9 June 1998 [*ibid, para. 64*], on 30 July 1998 I convened a high-level conference at Headquarters to mobilize assistance for the disarmament, demobilization and reintegration plan, for the provision of logistical support to ECOMOG, for immediate humanitarian needs and for the reconstruction and rehabilitation of Sierra Leone. The conference was preceded by an organizational meeting on 24 June.

25. President Kabbah, accompanied by the Minister of Finance, Development and Economic Planning, Mr. James Jonah, and the Minister for Foreign Affairs, Mr. Sama Banya, made a statement before the Conference, setting forth his plans for national reconciliation and rehabilitation, including improvements in internal security and the Government's plan for the disarmament, demobilization and reintegration of Sierra Leonean former combatants. Representatives of some 55 countries, including the Ministers for Foreign Affairs of the Gambia, Guinea and Liberia, the Minister of State for Foreign Affairs of the United Kingdom of Great Britain and Northern Ireland, the Vice-Minister for Foreign Affairs of China, the Deputy Minister for Foreign Affairs of Ghana, the Assistant Secretary of State for Africa and the Assistant Secretary for Population, Refugees and Migration of the United States of America attended the Conference. Other participants included the Secretary-General of the Organization of African Unity and the Secretary-General of the Commonwealth, as well as the Executive Secretary of ECOWAS. United Nations specialized agencies and the relevant departments also sent representatives. The ECOMOG Force Commander, General Timothy Shelpidi, addressed the Conference on ECOMOG's needs.

26. Participants agreed on the need to establish an international contact group to mobilize and coordinate further support for Sierra Leone. I am presently reporting in greater detail on the conference, directly to the President of the Security Council, in a letter to be circulated as a document of the Council.

IV. Disarmament and demobilization

27. In a letter dated 11 August 1998 [*S/1998/741*], the Government of Sierra Leone conveyed to the President of the Security Council the programme for the disarmament, demobilization and reintegration of former combatants adopted by the Government of Sierra Leone. The programme describes in detail the institutional structures established by the Government to carry out its provisions, the financial management arrangements, the implementation schedule and the roles of UNOMSIL and ECOMOG in the reinsertion and reintegration of former combatants. The disarmament process will be carried out by ECOMOG, with the monitoring of UNOMSIL, in accordance with its mandate as set out in resolution 1181 (1998).

28. The essentials of the Government's disarmament, demobilization and reintegration plan were described in my report of 9 June [*S/1998/486, paras. 53 to 62*]. The objective of the exercise is to consolidate the security of the State through the disarming, demobilization and reintegration into society of an estimated total of 33,000 former combatants (8,000 RSLMF and RUF and 25,000 CDF) in three phases between July 1998 and June 2001, at an estimated cost of $33.6 million, of which $17.3 million would be required for phase one. It is anticipated that the first phase would comprise the demobilization of the disarmed former RSLMF and RUF personnel now in detention and an estimated 5,000 CDF combatants. Particular emphasis will be devoted to the psychosocial reintegration of former child combatants from all sides.

29. The programme will be implemented under the guidance of the National Committee on Disarmament, Demobilization and Reintegration, under the chairmanship of President Kabbah and comprising representatives of the Government, ECOMOG, donors and my Special Representative on behalf of the United Nations community. The Committee will operate, in collaboration with other Government departments, donors and non-governmental organizations (NGOs), through an Executive secretariat responsible for overall programme planning and implementation, as well as the transparent and accountable administration of the programme and the monitoring and evaluation of its progress.

30. Following the formal adoption by the Government of the programme, the National Committee has commenced work and the members of the Executive secretariat, which will be assisted by a technical adviser, have been nominated. On 16 July 1998, a team representing the Committee, including the Ministers of the Interior and Information, the National Security Adviser and my Special Representative, visited the camp site at Lungi where more than 4,000 disarmed former members of RSLMF are currently detained by ECOMOG, awaiting demobilization and reintegration. The object of the visit was to explain the disarmament, demobilization and reintegration process to the disarmed men and

to the local community. Similar visits to other locations are planned for the future.

31. RSLMF has effectively been disbanded and is in a state of disgrace as a result of its participation in the illegal military coup of May 1997 and the subsequent junta rule. Though consideration is being given to reconstituting the Sierra Leone armed forces, it is considered unlikely that many of the ex-RSLMF personnel will be accepted for membership in it. The men detained at Lungi appeared to be well-treated, disciplined and receptive to the prospect of demobilization and rehabilitation. They were also aware of the intense hostility felt towards them by the general public and none have attempted to escape. Recently, some of the former RSLMF personnel have been reinducted into the ECOMOG force to assist in military operations.

32. One aspect of the reintegration process that has given cause for concern is the hostile attitude of the general public to former RSLMF personnel. Resentment at the atrocities inflicted by the junta and its supporters is so widespread as to pose a threat to the physical safety of anyone associated with the junta. As I have reported earlier, a number of revenge killings have been reported throughout the country since the recapture of Freetown in February. My Special Representative will assist the Government in carrying out a vigorous sensitization and education campaign to increase public acceptance of former army personnel undergoing reintegration, an effort that could also be supported by donor contributions.

V. Human rights

Abuses committed during and since the junta period

33. The human rights adviser working with my Special Representative for Sierra Leone has continued to compile accounts of atrocities committed both during and after the period of junta rule. Though some of these have yet to be rigorously examined, there is strong evidence of the systematic and widespread perpetration of multiple forms of human rights abuse against the civilian population, including rape. In recent weeks, elements of the former junta have continued to shell population centres such as Koidu and Daru and have used civilians as human shields in their military operations. There have been numerous instances of arbitrary execution, including of women and children, followed in some cases by mutilation of the bodies.

34. Though incidents of mutilation appear to have greatly declined since the end of June, it is feared that for each of the 600 or so persons attacked since March 1998 who survived and sought medical attention, at least 4 others are either dead or unaccounted for. The victims of these attacks are still making their way in small numbers to medical centres.

35. A survey of 9 of Sierra Leone's 150 chiefdoms indicates that some 700 civilian war-related deaths have occurred since February, including 200 in one village, Yifin, in late April. About 1,600 people have suffered war-related injuries in these chiefdoms since February, of whom 30 per cent are children. In Koidu, a reliable source has stated that 663 bodies were buried following the fighting in the area in mid-June. A significant percentage of the dead were women and children. At the same time, the killing of some 44 of the 144 paramount chiefs during that period indicates a deliberate attempt to target them.

36. The rebels are estimated to hold several thousand civilian captives, including women and children. They are used as porters, human shields and for forced sexual activity. Abductions continue to be reported in the north. It is believed that many RUF/AFRC fighters were themselves abducted as children and subjected to brutal initiation ceremonies.

37. Rebel forces tend to destroy property and homes in the villages they attack. Though no precise figures are available, there are indications of extensive damage to the housing stock in all areas that they have ravaged. The study of the 9 chiefdoms referred to above found that 1,619 homes had been destroyed. A survey of 3 other chiefdoms identified 600 destroyed houses and, on 12 July alone, in a village near Masingbi, some 40 houses were destroyed. As noted above, the rebels also destroyed property in Kabala at the end of July.

38. The rebel campaign of terror and their military activities have resulted in the displacement of at least 350,000 people since February. Some 250,000 of these are now in Guinea and Liberia and the remainder are internally displaced in Sierra Leone. The persistence of the rebellion not only prevents their return, but also causes grave humanitarian problems for a significant element of the displaced population, as described in more detail below.

Treason trials and the administration of justice

39. The State is prosecuting 58 persons in the regular courts on a range of charges including treason, murder and arson, and two further trials are scheduled to begin soon. All defendants, if found guilty, face the possibility of the death penalty. The trials are proceeding against a background of widespread public anger and a desire for quick justice.

40. The court martial of 38 soldiers has begun before a judicial panel comprising Sierra Leonean army officers and presided over by a Judge Advocate who is an ECOMOG officer. Early concerns regarding procedure were speedily rectified by the Government after they had been raised by UNOMSIL, which continues to monitor both the courts martial and the proceedings in the regular courts. UNOMSIL is also continuing to persuade the Government to establish a channel for judicial appeals from court martial findings.

41. The Government concedes that the judicial system in Sierra Leone is entirely inadequate. Outside Freetown, the courts are not functioning at all and the traditional court system has collapsed. Sustained support will be needed to restore the judicial system in keeping with Sierra Leone's distinguished legal traditions.

42. There are six functioning prisons in Sierra Leone, but prisoners are also held in an unverifiable number of other facilities, including military camps. Most detainees in civilian facilities are being held pursuant to the emergency powers legislation introduced by the Government shortly after its restoration in March 1998. Conditions in many facilities are overcrowded and unsanitary and the food

and medical care are inadequate. About 2,000 prisoners are being held in Freetown.

43. Reliable reports are being regularly received of poor discipline within the Civil Defence Force. In various locations throughout the country they have been accused of harassing the local population and engaging in extortion. It has also been reported that the initiation of new members, including children between the ages of 15 and 17, occurred near Magburaka during the third week of July. ECOMOG has established a complaints procedure to investigate any allegations of harassment of the local population by ECOMOG troops.

44. UNOMSIL has commenced a human rights technical cooperation needs assessment and has already identified widespread requirements, many of which should be addressed as a matter of urgency. These include the need for human rights education for government officials, traditional leaders, police officers, teachers of civic education, lawyers, journalists and NGO personnel. It is also necessary to provide technical support to the Government and the National Commission for Democracy and Human Rights to facilitate the application of human rights principles to State policy and practice. United Nations military observers will also receive training in aspects of international humanitarian law relevant to their duties.

VI. Humanitarian situation

45. The humanitarian situation in Sierra Leone continues to give cause for concern, especially in the light of the poor response to the Inter-Agency Appeal for Humanitarian Assistance to Sierra Leone. To date, only 5 per cent of the $20.5 million requested has been received. Humanitarian organizations in Sierra Leone continue to face fundamental questions on the modalities for the delivery of relief assistance in an environment characterized by unpredictable hostilities and systematic human rights abuses. The effort to balance the rights of civilians in need of assistance with the requisite level of operational security has required the constant review and modification of the United Nations and NGO codes of conduct and protocols for humanitarian agencies operating in Sierra Leone, in order to reflect the current situation.

46. Despite the ongoing debate, humanitarian assistance continues to have a significant impact on the dire health and nutritional status of hundreds of thousands of war-affected Sierra Leoneans. The most significant humanitarian activities since my last report include efforts to address the serious humanitarian crisis at Masingbi in north central Sierra Leone, the influx of spontaneous returnees from Liberia and the repatriation by the Office of the United Nations High Commissioner for Refugees (UNHCR) of Sierra Leonean and Liberian refugees. The United Nations Humanitarian Assistance Coordination Unit in Freetown now estimates that the number of internally displaced persons since the ECOMOG intervention in February 1998 has grown to more than 166,000. The recent clashes between rebel forces and ECOMOG around Kabala have provoked further displacements.

47. A rapid nutritional assessment carried out in Masingbi by the NGO, Action Contre la Faim, for children under the age of five revealed a global malnutrition rate of 39 per cent. Owing to insecurity in the Masingbi area during July, humanitarian organizations were forced to suspend operations and withdraw to Makeni. However, the United States NGO, CARE, succeeded in distributing assistance to more than 16,000 beneficiaries. Internally displaced persons continue to flow into Masingbi at a rate estimated at between 50 and 100 persons a day.

48. In collaboration with the Ministry of Health, the United Nations Children's Fund (UNICEF) is supporting the health care delivery system in Masingbi as well as in western Kono district, where they are providing drugs and basic medical equipment. The latest data on morbidity from Masingbi and Kono district have shown that the measles outbreak that was prevalent in the area is now under control as a result of the vaccination campaign carried out by the Ministry of Health and UNICEF.

49. Masingbi remains a critical focus for humanitarian intervention in terms of shelter for the current rainy season and coordination of other sectoral activities. The NGO, Concern Worldwide, has recently agreed to support shelter activities, while UNICEF and Action Contre la Faim will collaborate on water and sanitation matters. Food distributions by CARE and health activities by UNICEF, NGOs and the Government have had a significant impact in contributing to reducing the death rate in Masingbi and its environs from 899 deaths during June to 29 in July.

50. A joint Government, UNHCR and the World Food Programme (WFP) mission to Pujehun district in southern Sierra Leone has confirmed that there has been an influx of returnees from Liberia, who are thought to be crossing the border at the rate of some 90 per day. The most urgent needs of the returnees are food, health and shelter, which are to some extent being met by WFP and by NGOs.

51. UNHCR has continued to repatriate Sierra Leonean refugees to Freetown. A total of some 7,500 Sierra Leoneans, mainly from Guinea and Gambia, have been assisted in returning home. Furthermore, it is planned to bring 3,000 Sierra Leoneans home by air from Guinea during the month of August. UNHCR has also repatriated some 440 Liberian refugees from Sierra Leone.

52. A United Nations Humanitarian Assistance Coordination Unit database has been established to detail the condition of more than 166,000 internally displaced persons, the number of people displaced since the ECOMOG intervention in February 1998. However, this figure represents only a portion of the total number of internally displaced persons in the country. UNHCR estimates that, during the same period, more than 250,000 Sierra Leoneans have sought refuge in neighbouring countries.

53. A mission to Kabala, undertaken only days before the 27 July attack, estimated that some 18,000 civilians were residing in the town, including a large number of internally displaced persons from Kono district. As a result of the hostilities, unconfirmed reports indicate that the majority of the civilians were displaced to villages to the north and

north-west of Kabala. It has been reported that large numbers of civilians were abducted from Kabala, as has been the practice of the RUF in the past. Furthermore, all reports indicate that all relief goods, medical supplies and logistics for humanitarian efforts were looted or destroyed during the brief occupation. Now that the situation has calmed, the humanitarian community is assessing the damage and making efforts to meet the needs.

VII. Observations and conclusions

54. The decision by the Security Council to create UNOMSIL and to expand its functions has been warmly welcomed by the Government and people of Sierra Leone, and the early signing of the status of mission agreement between the Government and UNOMSIL has also been of great assistance in providing a firm basis for our activities there. The adoption by the Government of Sierra Leone of a comprehensive programme for disarmament, demobilization and reintegration of former combatants, containing clearly defined roles for ECOMOG and the United Nations, has set the tone for UNOMSIL's future efforts.

55. The deployment of the first phase of UNOMSIL's 70 military observers and their equipment is also well under way. I am grateful to the troop-contributing countries for the dispatch with which they have acted in making these personnel available.

56. In my report of 9 June [*ibid., para. 69*], I identified three criteria which would govern subsequent deployments of military observers: the security situation, the progress of implementation of the Government's disarmament and demobilization plan and the availability of the necessary logistical equipment and resources. As I indicated then, I am keeping all three criteria under very close review and will keep the Council informed of all relevant developments while preparing for the next phase of the deployment. I am heartened by the progress made by ECOMOG in improving the security situation in the countryside, especially in eastern Sierra Leone, and renew my call to donors to contribute to ECOMOG's logistical requirements.

57. In this context, I am gratified by the success of the special conference on Sierra Leone, held at Headquarters on 30 July 1998, and look forward to working closely with the international contact group to be established to coordinate further support for Sierra Leone. In the meantime, I reiterate my call to donors to contribute to the Inter-Agency Appeal for Humanitarian Assistance to Sierra Leone in order to assist Sierra Leoneans in meeting their most basic and urgent needs.

58. The sharp reduction in human rights violations perpetrated by elements of the former junta since the end of June is to be welcomed, but I remain deeply concerned about the plight of innocent civilians in the country, who may still be suffering from the depredations of the rebel forces or at risk from future attacks. In parallel with the efforts being made by ECOMOG to restore law and order throughout the countryside, I continue to believe that every effort should be made to end the threat posed by the rebels.

59. For this reason, I believe that the disarmament, demobilization and reintegration plan adopted by the Government, and to be implemented with the assistance of ECOMOG and UNOMSIL, represents the best hope in the immediate future for consolidating the stability of the country and bolstering the authority of the Government throughout the territory of Sierra Leone. I therefore reiterate the plea I made on 30 July at the special conference for the donor community to lend every possible assistance to the Government in carrying out its plan. I welcome the commitment of the Government and the Civil Defence Force not to recruit children under the age of 18 as soldiers or to send them into combat, and urge them to implement their undertaking to demobilize any children currently under arms as soon as possible.

60. The development of technical capacity by the Government in the field of human rights deserves support. The results of a technical cooperation needs assessment performed by the office of my Special Representative reveal training needs. I encourage donors to assist the Government in meeting these needs.

61. Pursuant to resolution 1181 (1998), I will continue to keep the situation in Sierra Leone under close review and report to the Council on developments there and on the progress made by UNOMSIL.

62. I would like to express my appreciation to my Special Representative, Mr. Francis G. Okelo, to the Chief Military Observer, Brigadier Subhash C. Joshi, and to the civilian and military personnel of UNOMSIL for the efforts they are continuing to make to deploy the United Nations Observer Mission in Sierra Leone in accordance with the mandate provided by the Security Council.

MAP

[*See end of present supplement.*]

ANNEX

The United Nations Observer Mission in Sierra Leone: contributions as at 10 August 1998

Country	*Currently in position*
China	3
Egypt	–
India	5
Kenya	2
Kyrgyzstan	–
New Zealand	2
Pakistan	5
Russia	5
United Kingdom	2
Zambia	2
Total	**26***

* In addition to the Chief Military Observer, India.

DOCUMENTS S/1998/754 AND ADD.1

Interim report of the Secretary-General on the situation in Tajikistan

DOCUMENT S/1998/754

[*Original: English*]
[*13 August 1998*]

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1167 (1998) of 14 May 1998 and brings up to date the record of developments in Tajikistan and the activities of the United Nations Mission of Observers in Tajikistan (UNMOT) since my report of 6 May 1998 [*S/1998/374*].

II. MAIN DEVELOPMENTS

2. The reporting period began with a serious setback for the peace process in the form of two decisions taken by the Tajik Parliament. The first decision, on 21 May, was to not confirm the cabinet appointments of Mr. Akbar Turajonzodah and Mr. Davlat Usmon, the two most senior members of the United Tajik Opposition (UTO) in the Government. President Emomali Rakhmonov has since stated his intention to resubmit both names at the next, as yet unscheduled, session of Parliament. Meanwhile, the two continue to perform their appointed functions.

3. The second decision, on 23 May, was to amend the bill on political parties, which had been agreed upon by the Commission on National Reconciliation (CNR). According to the amendment, political parties based on a religion would have been banned, effectively removing the Islamic Revival Party, the largest component of UTO, from participation in the political life of the country. One of the main pillars of the peace agreement would thus have been destroyed.

4. Following this decision, tension mounted rapidly in the country. Mr. Abdullo Nuri, UTO leader and Chairman of CNR, wrote to President Rakhmonov and to the Speaker of Parliament, emphasizing its incompatibility with the General Agreement on the Establishment of Peace and National Accord in Tajikistan and its adverse effect on the peace process. The members of the Contact Group of guarantor States and international organizations and other Governments expressed strong concern and urged the President not to sign the bill into law. UNMOT provided its good offices and facilitated contacts between the parties to help overcome the difficult situation that had been created.

5. On 2 June, following a meeting with Mr. Nuri, President Rakhmonov established a 12-member conciliation commission comprising representatives of the Government, CNR and the Parliament to review the contentious articles of the draft law and submit proposals by 22 June. The Commission was assisted in its work by a specialist on constitutional law provided by UNMOT and funded by the Aga Khan Foundation. Initially, the Commission made very little progress. On 9 June, I met with President Rakhmonov at United Nations Headquarters, where he had travelled for the twentieth special session of the General Assembly on the world drug control problem, and urged him to resolve the situation. I followed the meeting up with a letter to President Rakhmonov.

6. On 18 June, the Commission reached a consensus to replace the contentious provision of the bill with a new text that would prohibit the use of religious institutions for political purposes. President Rakhmonov has referred the revised draft to Parliament, where it awaits consideration.

7. Because of this crisis, the arrival in Tajikistan of Mr. Jin Kubis, my newly appointed Special Representative, was advanced to mid-June. It preceded by a few days the first anniversary of the signing of the General Agreement on 27 June 1997. President Rakhmonov declared a general amnesty on the occasion but it did not include UTO members among the beneficiaries. There was no progress concerning the implementation of the amnesty law adopted under the peace agreement last year.

8. There has been some small movement in the implementation of the protocol on military issues. From 1 to 3 July, 153 UTO fighters were repatriated from Afghanistan, together with a large amount of weapons and ammunition, and stationed in barracks in Garm. As provided in the agreement, the operation was carried out by the Collective Peacekeeping Forces of the Commonwealth of Independent States (CIS) and monitored by UNMOT. Another group of UTO fighters currently awaits repatriation at Sherkhanbandar, on the border with Tajikistan.

9. In the past few weeks, several groups of UTO fighters have taken the military oath. This is foreseen in the protocol on military issues to mark the conversion of UTO units into units of the regular armed forces. Effective conversion of the UTO units would require a number of other measures, such as the reform of the power structures and the distribution of the UTO personnel among them. This has not happened, and only a small number of fighters are actually garrisoned in the assembly areas, as also stipulated by the agreement.

10. UNMOT operations in the country suffered a major setback on 20 July, when four members of its team based in Garm were murdered. They were Major Ryszard Szewczyk of Poland and Major Adolfo Sharpegge of Uruguay, military observers; Mr. Yutaka Akino, civil affairs officer; and Mr. Jurajon Mahramov, interpreter. They were shot and killed about 3 kilometres south of the Labi Jar junction on their way back from Tavildara, where they had met with the UTO regional commander.

11. UNMOT immediately suspended its activities in the field and sent all teams back to base in Dushanbe.

The replacement of military observers ending their tour of duty has been suspended to reduce the excess personnel in Dushanbe. The activities of all United Nations agencies and programmes in Tavildara and in the Karategin valley have also been suspended.

12. On 22 July, President Rakhmonov established a commission of Government and CNR members, headed by Deputy Prime Minister Abdurrakhmon Azimov, to investigate the incident and report to him its findings within 10 days. Mr. Azimov set up a special investigation team made up of representatives of the Prosecutor-General's office and the Ministries of Interior and Security. Mr. Azimov has kept Mr. Kubis informed of the investigation, but no formal announcement has so far been made concerning its results.

13. The World Bank's Consultative Group on Tajikistan met in Paris on 20 May. The meeting resulted in pledges amounting to some $280 million for balance-of-payments support, investment support and technical assistance for Tajikistan, the bulk of it from the International Monetary Fund, the World Bank and the Asian Development Bank. On 30 July, at a twice-postponed meeting, the World Bank's Executive Board approved a structural adjustment loan of $50 million.

14. In the week preceding the World Bank's decision, President Rakhmonov and Mr. Nuri issued a joint statement in which they gave their positive assessment of the peace process. On the day before the decision, CNR reached agreement on the appointment of four UTO members to government portfolios, namely the Minister of Agriculture and the chairs of the Committees for Gas and Oil, Emergency Situations and Precious Metals. President Rakhmonov approved the four appointments on 3 August. A few days later, another UTO leader was appointed head of the State Association on Milk and Meat Production. No agreement was reached on the appointments of Deputy Prime Minister and Minister of Defence.

15. On 30 July, CNR adopted a new timetable for the implementation of the peace agreement. It replaces the one adopted on 29 April, which had become obsolete as a result of its deadlines having lapsed. According to the new timetable, the following deadlines apply:

(*a*) Assignment of UTO personalities to positions at all levels of the executive branch – end of September;

(*b*) Implementation of the second stage of the protocol on military issues – 25 August;

(*c*) Thereafter lifting the ban on political parties and mass media;

(*d*) Formation of the Central Election Commission (1 September);

(*e*) Finalizing amendments to the Constitution (20 October).

No deadlines were set for the implementation of the amnesty law, for the return of refugees or for the constitutional referendum and elections.

Activities of the Contact Group

16. The Contact Group of guarantor States and international organizations continued its efforts to facilitate the implementation of the General Agreement. It held extraordinary meetings and issued specific recommendations as well as press statements reflecting its common position on issues pertinent to the speedy resolution of problems affecting the peace process and the promotion of the process as such. In particular, the Contact Group urged the Government to carry on with the process of incorporating opposition personnel into the executive structures of the Government and to expedite the processing of the remaining amnesty cases as stipulated in the General Agreement as an important confidence-building measure. At the same time, the Contact Group called for genuine disarmament by UTO and the integration of the fighters into the government power structures.

17. The Contact Group agreed to hold a meeting at the level of Foreign Minister to review the progress made during the past year and to discuss ways of consolidating and expediting the peace process. Such periodic meetings are foreseen in the General Agreement. The Tajik Government has expressed reservations at holding such a meeting at this stage.

III. Security

18. On 23 May, the Government informed UNMOT that three army soldiers had been taken hostage by UTO personnel in Kofarnikhon. For their part, local UTO commanders complained about harassment at an army checkpoint in the area. Complaints about harassment and extortion at the numerous government checkpoints are frequent. The three soldiers were released following intervention by Mr. Turajonzodah, deputy leader of UTO. On 12 July, a violent clash took place between two UTO groups in Kofarnikhon. It was contained and order restored, following intervention by the UTO leadership, UNMOT and CNR. In Dushanbe, on 29 July, the deputy chairman of the customs union was killed by a car bomb in front of the presidential palace; his wife was shot dead a few days later. On 5 August, a well-known cleric from Dushanbe and his student, who had been missing, were discovered dead with gunshot wounds in a mortuary in the Kofarnikhon district.

19. On a number of occasions, the movement of UNMOT teams was impeded in the Garm area and in the Karategin valley. On 11 June, the team based in Tajikabad was harassed and robbed by masked gunmen while on a routine patrol near Hoit. UNMOT brought such occurrences immediately to the attention of the CNR Military Subcommission, whose chairman is a representative of UTO. The incident of 11 June was also raised with Mr. Nuri.

20. I have described in paragraphs 10 to 12 above the killing of four members of UNMOT on 20 July and the actions taken subsequently.

21. The lack of security has impeded UNMOT operations for quite some time. The last time its operations in the field had to be suspended was after the hostage incident in

November 1997, which resulted in the death of one of the hostages. Earlier that year, following the hostage incident in February, most UNMOT and other United Nations personnel were relocated to Uzbekistan for several weeks. UNMOT has been operating under stringent precautions, constantly analysing the situation and limiting itself to areas considered reasonably safe. Those areas included Garm, the Karategin valley and the Tavildara sector. However, the incident on 20 July has shown how unpredictable the situation is even there.

22. I have in previous reports referred to three options for the protection of United Nations personnel:

(*a*) It was originally envisaged that the CIS peacekeeping forces could assume the task of securing the assembly areas. This was not acceptable to UTO. In December 1997 the mandate of the force was revised to include provision of security to United Nations and other international personnel in Tajikistan. Subsequently, UNMOT had detailed discussions with the CIS peacekeeping forces about escort and other security duties for UNMOT. However, the forces have indicated that they cannot perform such functions without the consent of UTO, which has not been forthcoming. Therefore, they cannot operate freely in UTO-controlled areas east of Dushanbe. The CIS peacekeeping forces command has assured UNMOT that it will assist it in emergencies;

(*b*) The second option was a United Nations infantry battalion. It was not pursued since the Government of Tajikistan opposed it, and others concerned also expressed reservations;

(*c*) Since neither of the above options was available, the United Nations proposed the forming of a special detachment for security, using government and UTO personnel already stationed in Dushanbe. This was also seen as a confidence-building measure and a first step towards the reintegration of UTO fighters into the national army. The detachment has been formed after a delay of many months and has undergone training by officers brought in by the United Nations. However, it is still not operational, owing to the lack of essential equipment. In addition, weaknesses of cohesion and of command and control prevent it, so far, from being the effective force that is required. On 16 June, the unit's deputy commander, a member of UTO, was shot and killed by unknown persons.

23. In these circumstances, it has become necessary to limit UNMOT activities and in particular its movement in the field. It is envisaged that the Mission will be provided with additional hard-skinned vehicles and better communications equipment in order to give its personnel at least passive protection.

IV. Observations

24. The current mandate period of UNMOT began with a political crisis over the bill on political parties and was subsequently overshadowed by the murder of four members of UNMOT. Those events highlight the continuing precariousness of the peace process, and I hope that the Tajik parties will muster the will and determination to implement in good faith and at a steady pace the general peace agreement they signed more than one year ago.

25. I cannot find words strong enough to condemn the murder of the four members of UNMOT, who were on a mission of peace and were unarmed. It is to be hoped that the perpetrators of this crime will soon be found and brought to justice. I share the distress of the members of UNMOT at the loss of their colleagues and wish to pay tribute to the way in which they have coped with this crisis.

26. Tajik leaders have often voiced disappointment at the level of assistance the country receives from international donors, and at times affirmed that the positive development of the peace process depended on such assistance. I must confirm that few of the pledges made at the Vienna donor's conference last October have been followed through. Nevertheless, the obstacles to the peace process are mainly political, and it is essential to overcome them in order to ensure Tajikistan's future well-being. Tangible progress in the implementation of the peace agreement is also the best way to counter the scepticism of donor countries.

27. I should like to encourage the Tajik parties to make good use of the continuing international backing for the peace process. In addition to the services offered by my Special Representative and UNMOT, the Contact Group of guarantor States and international organizations is an important source of support. I am convinced that the meeting at the level of Foreign Ministers, which the Contact Group is currently preparing, could provide valuable impetus to the peace process.

MAP

[*See end of present supplement.*]

DOCUMENT S/1998/754/ADD.1

[*Original: English*]
[*17 August 1998*]

1. In my report of 13 August 1998 to the Security Council, I indicated in paragraph 23 that it was envisaged that the Mission would be provided with additional hard-skinned vehicles and better communications equipment in order to give the personnel of the United Nations Mission of Observers in Tajikistan (UNMOT) at least passive protection in the Mission area.

2. The estimated costs for the 28 armoured vehicles and the communications equipment would amount to approximately $4.1 million.

DOCUMENT S/1998/760

Letter dated 7 August 1998 from the Secretary-General to the President of the Security Council

[*Original: English*]
[*17 August 1998*]

I have the honour to refer to my letter dated 8 July 1998 [*S/1998/640*] by which I forwarded to the Security Council, further to paragraph 3 of article 12 of the statute of the International Tribunal for Rwanda, the nominations for judges of the Trial Chambers of that Tribunal which had been received from States Members of the United Nations within the thirty-day period specified in article 12 (3) (*b*) of its statute.

I also have the honour to refer to the letter, dated 15 July 1998 [*S/1998/646*], of the former President of the Security Council, Mr. Sergey V. Lavrov, in which he informed me of the decision of the Security Council which was taken at its 3908th meeting on 15 July 1998 to agree to the suggestion which I had made in my letter of 8 July 1998 that the Council extend the deadline for nominations for judges of the Trial Chambers of the International Tribunal for Rwanda until 4 August 1998.

Pursuant to paragraph 3 (*c*) of the Statute of the International Tribunal for Rwanda, I have the honour to forward to the Security Council the fourteen nominations for judges of the Trial Chambers of the Tribunal which have been received from States Members of the United Nations within the period specified in paragraph 3 (*b*) of article 12 of that statute, as extended by the Security Council in the decision taken at its 3908th meeting. The list of candidates,* in alphabetical order, is annexed to this letter, together with the curricula vitae which have been provided in connection with their nominations.

In this connection, I would draw the attention of the Security Council to paragraph 3 (*c*) of article 12 of the Tribunal's statute, which provides in relevant part as follows: "From the nominations received, the Security Council shall establish a list of not less than eighteen and not more than twenty-seven candidates, taking due account of the adequate representation on the International Tribunal for Rwanda of the principal legal systems of the world".

I would note that the number of candidates is short of the minimum number of eighteen which is required by paragraph 3 (*c*) of article 12 of the statute.

(*Signed*) Kofi A. ANNAN

* Circulated only to the members of the Security Council.

DOCUMENT S/1998/766

Letter dated 11 August 1998 from the Secretary-General to the President of the Security Council

[*Original: English*]
[*18 August 1998*]

I have the honour to convey the attached communication, dated 11 August 1998, which I have received from the Director General of the International Atomic Energy Agency.

I should be grateful if you would bring the text of the letter from the Director General to the attention of the members of the Security Council.

(*Signed*) Kofi A. ANNAN

ANNEX

Letter dated 11 August 1998 from the Director General of the International Atomic Energy Agency to the President of the Security Council

Further to my message to you which was delivered on Thursday, 6 August 1998, I wish to confirm that the International Atomic Energy Agency (IAEA) is carrying out a limited implementation of its ongoing monitoring and verification (OMV) plan, within the restrictions imposed by Iraq, and is awaiting instructions from the Council on how to proceed further.

In this context I would draw your attention to paragraph 21 of my July status report to the Council [*S/1998/694*], which states that "the effectiveness of the implementation of the IAEA OMV plan is critically dependent upon the full exercise of the rights of access enshrined in the plan. Any diminution of, or interference with, those rights would greatly reduce the level of assurance provided through its implementation."

Iraq's refusal to cooperate in any activity involving investigation of its clandestine nuclear programme makes it impossible for IAEA to exercise a fundamental right, described in my July status report. Paragraph 43 of that report records that IAEA will continue, in the context of its OMV, to investigate, through the follow-up of any new information that comes to its knowledge, the remaining questions and concerns relevant to Iraq's clandestine nuclear programme, as well as any other aspect of that programme and to destroy, remove, or render harmless any prohibited items that may be discovered through such investigations.

Moreover, as stated in paragraph 8 of the October 1997 progress report of the IAEA Director General to the Council [*S/1997/779*], "the carrying out of joint IAEA/UNSCOM multi-disciplinary inspections at 'capable' sites on a regular basis continues to contribute to the effectiveness of the OMV to detect any attempt by Iraq to conduct activities proscribed by Security Council resolutions." The restrictions imposed by Iraq have resulted in the discontinuation of the "implementation of a joint programme of inspection of Iraqi sites which, in the judgement of IAEA/UNSCOM, are deemed to have capabilities suitable for conducting work on some aspect of weapons of mass destruction".

It follows from the above that the limited activities currently undertaken in Iraq by IAEA, under the restrictions imposed by Iraq, fall far short of full implementation of the OMV plan and result in a significantly reduced level of assurance than would be provided through the full implementation of that plan.

I would be grateful if you would bring the text of the present letter to the attention of the Security Council.

(*Signed*) Mohamed ELBARADEI

DOCUMENT S/1998/767

Letter dated 12 August 1998 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) to the President of the Security Council

[*Original: English*]
[*18 August 1998*]

In the period since the informal consultations of the Security Council on 6 August 1998, I have undertaken a review of the implications for the Commission's activities of the recent decisions of the Government of Iraq contained in its communication to the Council dated 5 August 1998 [*see S/1998/718*]. The purpose of the present letter is to share with you and, through you, members of the Council the main conclusions of that review. The guidance of the Council is also sought.

In its communication to the Council of 5 August, Iraq indicated that it was suspending its cooperation with the Special Commission and the International Atomic Energy Agency (IAEA), and that in the interim, pending Council agreement to its demands, only monitoring activities would be allowed to continue.

The two distinct types of inspection activities in Iraq (disarmament and monitoring) are carried out at sites both declared by Iraq and/or designated by the Commission. The disarmament inspections are designed to deal with proscribed activities. Monitoring is designed to ensure that proscribed activities are not resumed.

Iraq's actions bring to a halt all of the disarmament activities of the Commission and place limitations on the rights of the Commission to conduct its monitoring operations, as called for by the Security Council under resolutions 687 (1991) and 715 (1991) and the Commission's monitoring plan approved by the latter.

Iraq's position that all disarmament activities must cease has forced the Commission to suspend, throughout Iraq, all such work as it requires the cooperation of Iraq. This includes discussions at the political and technical level aimed at resolving outstanding issues. A number of inspections planned in the chemical, biological and missile fields will be delayed pending resolution of the current situation. These discussions and inspections were aimed at bringing to closure outstanding disarmament issues which need to be resolved if the Commission is to be in a position to report that Iraq is in compliance with its disarmament obligations, as established by the Security Council.

The Commission's monitoring activities have been also restricted by Iraq. In the light of the restrictions imposed by Iraq's authorities, monitoring activities are limited to sites previously declared by Iraq or designated by the Commission for monitoring. This denies the rights of the Commission to inspect additional, non-declared sites, where the capabilities for conducting proscribed or monitorable activities may exist. Such conditions significantly reduce the effectiveness of monitoring.

Under these circumstances, the Commission cannot continue to provide the Security Council with the same level of assurances of Iraq's compliance with its obligations to not re-establish its proscribed weapons programmes. In this regard, the Commission fully shares the conclusions communicated to the Council by the Director General of IAEA in his letter dated 11 August 1998 addressed to you [*S/1998/766, annex*].

(*Signed*) Richard BUTLER

DOCUMENT S/1998/772

Letter dated 17 August 1998 from the Secretary-General to the President of the Security Council

[Original: English]
[18 August 1998]

In view of the key role that the United Nations continues to play in providing support to the Government of Sierra Leone in its efforts to restore peace and stability throughout the country, I am writing to inform you of the Special Conference on Sierra Leone that I convened in New York on 30 July 1998.

The meeting was organized in close consultation with the Government of Sierra Leone, whose delegation was led by President Ahmad Tejan Kabbah, and also the Economic Community of West African States (ECOWAS). It was attended by representatives of 55 countries, including those of ECOWAS, the European Union and the Security Council, the Secretaries-General of the Organization of African Unity (OAU) and the Commonwealth and the Executive Secretary of ECOWAS, as well as representatives of the European Commission, the Bretton Woods institutions and relevant United Nations departments, programmes and agencies. Representatives of several non-governmental organizations operating assistance programmes in Sierra Leone participated as observers.

The purpose of the meeting was to focus international attention on the situation in Sierra Leone and the Government's initiatives aimed at resolving the conflict, restoring secure conditions and effective administration country-wide and implementing a rehabilitation and recovery programme. Priority was given to consideration of the following issues: the Government's programme for the disarmament, demobilization and reintegration of former combatants and its peace-building initiatives; the role of the Monitoring Group of the Economic Community of West African States (ECOMOG) in re-establishing basic security; the actions necessary to help ECOMOG meet its manpower and logistical needs; the humanitarian situation and refugees; and further steps to be taken by the international community in mobilizing and coordinating support for Sierra Leone.

In my opening statement, I noted that President Kabbah's Government had taken a number of steps to combat the effects of nine months of junta misrule and sought to lay a lasting foundation for national reconciliation, reconstruction and rehabilitation. Many obstacles needed to be overcome, and the Special Conference would ensure that the problems would be attacked by the Government and international community with a collective unity of purpose. President Kabbah said that the Conference was an act of solidarity with the people of Sierra Leone, where remnants of the Armed Forces Revolutionary Council (AFRC) junta and the Revolutionary United Front (RUF) were continuing to perpetrate atrocities against civilians. Despite those gruesome actions, the rebel forces had recently been granted a two-week amnesty by the Government. He outlined the emergency needs of the country, including funding for the Government's disarmament and demobilization programme, logistical support for ECOMOG, repatriation of refugees, emergency humanitarian aid and resources for the rehabilitation of physical infrastructure. The Permanent Representative of Nigeria to the United Nations, on behalf of the Chairman of ECOWAS, and the Secretaries-General of OAU and the Commonwealth also addressed the opening session.

Peace and security

The Foreign Minister of Sierra Leone, Mr. Sama Banya, provided an update of political and security developments. Normal conditions had returned to Freetown and the provincial and district headquarters towns except Kailahun, Kono and Kabala. Parliament was functioning and a multi-party Cabinet had been appointed. Trials for members of the illegal junta and their collaborators were being carried out with due process in the presence of international monitors. My Special Representative briefed the meeting on the role of the United Nations Observer Mission in Sierra Leone (UNOMSIL) and the status of its deployment. Following those presentations, general statements were made by representatives of 16 Member States, as well as the European Union and the European Commission.

Major-General Timothy Shelpidi, ECOMOG Force Commander, outlined the role of ECOMOG in reinstating the legitimate Government and restoring basic security in Sierra Leone, indicating that 80 per cent of the country was now free from rebel activity. He noted with appreciation contributions for the provision of logistical assistance to ECOMOG made by the United States of America and pledged by the United Kingdom of Great Britain and Northern Ireland at the Conference and appealed for further aid to meet the force's needs, as listed in a document that he made available to interested donors. He noted that there were currently about 10,000 ECOMOG troops in Sierra Leone, mainly from Nigeria and Guinea, and that an additional 5,000 were needed to enable the force to carry out its mandate effectively. Several ECOWAS countries were prepared to contribute additional troops but were unable to deploy or sustain them owing to financial constraints, and Major-General Shelpidi appealed for donor assistance to overcome those problems.

Mr. James Jonah, Minister of Finance and Economic Development of Sierra Leone, gave an overview of the Government's disarmament, demobilization and reintegration plan for an estimated 33,000 former combatants, which

was developed in close consultation with major donors. He appealed for funding for the programme, which will run for three years and cost approximately $33.6 million. The initial phase, under which 5,000 members of the former army and RUF who have already surrendered to ECOMOG will be demobilized, was already under way. My Special Representative for Children and Armed Conflict noted that one of the most pressing challenges facing the Government of Sierra Leone was the "crisis of the young", including child soldiers. He recommended that Sierra Leone be adopted as a pilot case to which the international community would give concerted political attention and resources to meet the needs of children and women affected by armed conflict. The Executive Director of the United Nations Children's Fund also noted that the important task of reintegrating the estimated 4,000 child soldiers into society would require an intensive and long-term commitment of resources.

Promoting recovery

The Under-Secretary-General for Humanitarian Affairs briefed the meeting on the enormous humanitarian needs that the country continues to face, as access by humanitarian organizations to some areas of the country remained restricted as a result of continuing rebel activities. Displacement and security problems have also limited the access of farmers to their fields, and a serious food shortage is expected. He urged donors to fund the 1998 consolidated inter-agency appeal for humanitarian assistance, which calls for $20.2 million in donations but has received only $1 million. The United Nations High Commissioner for Refugees indicated that the Sierra Leone refugee crisis had been the largest in Africa in 1998. Since the beginning of the year there had been an outflow of 209,000 Sierra Leonean refugees to Guinea, bringing the total to 401,000, and an outflow of 57,000 to Liberia, bringing the number to 184,000. The total number of Sierra Leonean refugees was now 595,000. She called upon donors to contribute to the appeal launched by the Office of the United Nations High Commissioner for Refugees for $7.2 million for Sierra Leonean refugees, in which $3 million had so far been received.

Mr. Jonah also briefed the meeting on the Government's peace-building efforts and stressed the need for a revitalization of the economy, job creation schemes, particularly for youth, and strengthening of the judiciary. The Under-Secretary-General for Political Affairs noted that the Government's programme for rehabilitation and recovery was aimed at addressing the underlying causes of the conflict and consolidating peace and should not be allowed to falter because of a lack of resources.

Conclusions and follow-up action

The Under-Secretary-General for Political Affairs, in his capacity as Chairman of the meeting, summarized the main points made by participants during the proceedings. He noted that the Conference had been welcomed as a timely initiative and that the degree of interest shown was reflected in the high level of attendance and the participation of ministers and delegations sent from the home Governments of various countries. The restoration of President Kabbah and his Government on 10 March 1998 was warmly welcomed, and the steps taken since then to restore security, re-establish constitutional order and begin the process of reconciliation, reconstruction and rehabilitation were commended.

The continued resistance of remnants of AFRC and RUF, and especially their perpetration of appalling atrocities, was strongly condemned, and they were called upon to lay down their arms and surrender to the Government. The meetings between President Kabbah and President Taylor of Liberia, held in Abuja on 1 July and in Monrovia on 20 July, were welcomed, and the two leaders were urged to continue to work towards improving relations between their two countries and improving regional security. The importance of stopping the entry of illegal supplies of weapons into Sierra Leone and ending direct or indirect support of neighbouring countries to the rebels was stressed.

The need for the Government to pursue policies directed at promoting national reconciliation while at the same time ensuring that those responsible for crimes and atrocities against the civilian population are brought to justice was acknowledged. All those accused had to be given fair trials with full respect for due process. In this regard, the Government's invitation to the United Nations and human rights groups to monitor the trials was welcomed.

The achievements of ECOWAS and the efforts of ECOMOG in the restoration of the legitimate Government and basic security in many areas of the country were commended. Re-establishing secure conditions was a top priority, and the provision of technical assistance to ECOMOG to enable the force to meet its manpower and logistical requirements was urgently needed. ECOWAS countries that had yet to contribute troops to ECOMOG in Sierra Leone were urged to do so. The deployment of UNOMSIL was strongly supported, and the need for good coordination and cooperation between ECOMOG and UNOMSIL was stressed. Several countries indicated their willingness to provide military observers and police advisers for UNOMSIL.

The Government's disarmament, demobilization and reintegration plan was welcomed as a critical element in ensuring durable peace, and the importance of providing adequate resources for it was stressed. Programmes aimed at meeting the needs of youth and women affected by the conflict were of particular importance. The humanitarian situation and the plight of the large number of refugees remained a serious cause for concern for which donor assistance was urgently needed. Appreciation was expressed to those countries providing sanctuary for the refugees, particularly Guinea and Liberia. Finally, the general view was that, while the political, military, humanitarian and social challenges faced in Sierra Leone were daunting, they were not insurmountable. A well-coordinated international response involving the United Nations and other interna-

tional organizations, non-governmental organizations and the private sector was urgently needed.

It was encouraging that several countries and organizations expressed their readiness to support the rehabilitation and reconstruction of the country, in some cases by restarting their bilateral assistance programmes that had been suspended following the military coup in May 1997.

At the end of the meeting, participants expressed their support for the establishment of an international contact group to mobilize and coordinate further support for Sierra Leone and noted that discussions should be held by interested Member States in the near future to consider its composition and modus operandi.

(*Signed*) Kofi A. ANNAN

DOCUMENT S/1998/775

Progress report of the Secretary-General on the situation concerning Western Sahara

[*Original: English*]
[*18 August 1998*]

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1185 (1998) of 20 July 1998, by which the Council requested me to report to it every 30 days on the progress of the implementation of the settlement plan for Western Sahara [*S/21360 and S/22464*] and the agreements reached between the parties, the Kingdom of Morocco and the Frente Popular para la Liberación de Saguía el-Hamra y del Río de Oro (Frente POLISARIO), under the auspices of my Personal Envoy, Mr. James A. Baker III [*S/1997/742, annexes I to III*]. By that resolution, the Security Council also extended the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 21 September 1998. The present report covers developments since my previous report to the Council dated 10 July [*S/1998/634*].

II. DEVELOPMENTS DURING THE REPORTING PERIOD

2. During the reporting period, my Special Representative, Mr. Charles F. Dunbar, continued his consultations on various issues related to the implementation of the settlement plan. He met with His Majesty King Hassan II of Morocco at Rabat on 10 July, with the President of Mauritania, Mr. Maaouya Ould Sid'Ahmed Taya, and the Minister of the Interior, Post and Telecommunications at Nouakchott on 28 July, and with the Secretary-General of the Frente POLISARIO, Mr. Mohamed Abdelaziz, at Tindouf on 7 August.

A. *Identification process*

3. During July 1998, MINURSO identified a total of 9,054 applicants to the referendum. As at 16 August 1998, 115,402 applicants had been convoked for identification since the resumption of the process in December 1997. Of those, 85,816 came before the Identification Commission to be interviewed. With the 60,112 applicants who had been identified during the initial phase of the process (August 1994–December 1995), this brings to 145,928 the total number of persons identified thus far. Identification operations were completed in July at Sidi Kacem and El Kelaa des Sraghna, and began at Meknes and Rabat.

4. The Chairman of the Identification Commission, Mr. Robin Kinloch, continued to meet regularly with the Moroccan and Frente POLISARIO Coordinators with MINURSO. The identification programme for August was agreed to by both parties. Arrangements for the convocation of several hundred applicants resident abroad are being discussed with the Moroccan Coordinator. With this exception and that of the H41, H61 and J51/52 tribal groupings, all applicants will have been convoked for identification by the end of August 1998.

5. The Government of Morocco continued to refuse the identification of applicants who were originally registered in the refugee camps in the Tindouf area but reported to the two identification centres in Mauritania. To date, this has affected over 70 applicants, who appeared at those centres for identification.

6. Both parties maintained their positions with regard to the outstanding issue of the identification of the H41, H61 and J51/52 tribal groupings, including the proposal in my report of 15 January 1998 [*S/1998/35*] that MINURSO complete, as a first step, the identification of the 4,000 individuals who had presented themselves on the days of convocation of members of those three groupings who are listed in the 1974 Spanish census, and of their immediate families. Morocco also maintained that, until the overall issue of the identification of all applicants from groupings H41, H61 and J51/52 is resolved, it would not participate in the identification of members of those three groupings who are listed in the 1974 Spanish census, and of their immediate families.

B. *Military aspects*

7. As at 16 August 1998, the military component of MINURSO stood at 461 observers and other military personnel (*see annex*). These include the engineering support and demining units from Pakistan and Sweden, deployed in

accordance with Security Council resolution 1148 (1998) of 26 January 1998. Under the command of Major-General Bernd S. Lubenik (Austria), the military component of the Mission continues to monitor the ceasefire between the Royal Moroccan Army and the Frente POLISARIO forces, which came into effect on 6 September 1991. The MINURSO area of responsibility remains calm, and there have been no indications that either side intends to resume hostilities.

8. During the reporting period, the problem of control and handling of the weapons, ammunition, and explosives of the MINURSO engineering support and demining units was resolved by the Force Commander, following intensive consultations with the Moroccan military authorities. Accordingly, a military agreement between MINURSO and Morocco was signed on 23 July, which provides guidelines for the handling of weapons, ammunition and explosives of those MINURSO units deployed west of the defensive sand-wall ("berm").

9. The above-mentioned agreement made it possible for the weapons, ammunition and explosives of the Swedish demining unit to be dispatched to Laayoune on 29 July, followed on 1 August by the main elements of the Pakistani contingent, along with the balance of its weapons, ammunition and equipment. On both occasions, with the cooperation of the Moroccan authorities, the personnel, weapons and ordnance were processed smoothly at the airport. At a coordination meeting held at Agadir on 7 August to facilitate the Mission's operational activities, the Moroccan military authorities also assured MINURSO of their full cooperation and support.

10. Notwithstanding the above, MINURSO's communications equipment has been held up for the past two months at Laayoune airport, in contradiction of the privileges and immunities traditionally granted by host countries to all United Nations peacekeeping operations. Consultations between MINURSO and the Moroccan authorities to resolve this issue are continuing.

11. In the meantime, the MINURSO engineering support and demining units have been conducting reconnaissance and survey missions, in preparation for their construction and demining activities at specific sites. However, owing to the late resolution of the issue of carriage of weapons and custody of ammunition and equipment, as well as the pending clearance of the necessary communications equipment, the Swedish contingent will be unable to start its actual demining activities on time, and is therefore unlikely to complete its tasks by early October 1998, as initially planned. Subject to the decision of the Government of Sweden and the approval of the Security Council, it may be necessary to extend the stay of that unit or to make alternative arrangements in due course.

12. During the reporting period, the Secretariat forwarded its comments to the Algerian and Mauritanian authorities on their respective responses to the draft status-of-forces agreement on MINURSO. It is hoped that the agreements with these two Governments will be concluded soon. However, Morocco's response to the draft agreement is still awaited, despite repeated assurances that it would be promptly provided. The signature of these agreements would greatly facilitate the conduct of MINURSO's mandated operational activities.

C. *Civilian police aspects*

13. The civilian police component of MINURSO has an authorized strength of 81 police officers. With the arrival of an officer from Pakistan, this component is now complete.

14. The MINURSO civilian police component continues to assist the Identification Commission at all active identification centres. The Civilian Police Commissioner, Chief Superintendent Peter Miller (Canada), has been visiting all civilian police posts regularly. The component is collaborating with the Office of the United Nations High Commissioner for Refugees (UNHCR) in the planning process for the repatriation of refugees. It is also participating in an internal MINURSO working group on legal and administrative issues relating to the transitional period.

D. *Preparatory work for the repatriation of Saharan refugees*

15. During the reporting period, UNHCR continued with its preparatory work for the repatriation of Saharan refugees, as provided for under the settlement plan. Pre-registration of refugees and their immediate family members continued in northern Mauritania and in the Tindouf area of Algeria. In the towns of Zouerate and Nouadhibou in Mauritania, 22,000 individuals have been registered. It is expected that the exercise will be completed in Mauritania by the end of August 1998. In the Tindouf area, 31,000 refugees have been registered to date, and work has been completed in the Dakhla and Awsard refugee camps. Pre-registration in the Smara and El Aiun camps is expected to be completed by the end of October 1998. UNHCR continued with other preparatory activities, including water and infrastructure development, logistics planning, information-sharing, assessment of refugee needs, and mine awareness.

16. Discussion continued with the Government of Morocco on the formalization of the presence of UNHCR and its preparatory work in the Territory. Following a meeting held at Geneva in late July between UNHCR and a Moroccan delegation, the High Commissioner wrote to the Minister for Foreign Affairs of Morocco expressing her appreciation for his Government's decision to formalize the presence of UNHCR and to allow it free access in the Territory. UNHCR is awaiting confirmation from the Moroccan Government to undertake a joint mission to the Territory which would give effect to the above-mentioned decision. UNHCR hopes to be able to undertake its activities relating to confidence-building and infrastructure development soon. A meeting was held with Frente POLISARIO officials, at which the objectives and strategy of UNHCR were again discussed, including its mandate responsibilities for the refugees in the Tindouf camps.

E. *Other aspects*

17. The Independent Jurist for Western Sahara, Mr. Emmanuel Roucounas, is scheduled to visit the mission area in late August, in order to follow up with the Moroccan authorities and the Frente POLISARIO matters concerning presumed political prisoners and detainees previously raised with the two parties. The Independent Jurist will also consult with my Special Representative and other MINURSO staff on issues pertaining to his mandate.

18. Further to concerns raised in my last report [*S/1998/634*] regarding the use of MINURSO aircraft by visiting diplomats and journalists, the Permanent Mission of Morocco to the United Nations issued a press statement indicating that Morocco was examining practical arrangements which could address its own concerns and, at the same time, take into account the requirements of MINURSO.

III. Observations

19. There are excellent prospects for completing, in August 1998, the identification of applicants from all tribal groups and sub-factions, with the exception of groupings H41, H61 and J51/52. As regards the latter issue, my Special Representative has not received from Morocco and the Frente POLISARIO any practical suggestions which would allow for a reconciliation of their points of view.

20. In my previous report, I indicated that I had asked my Personal Envoy to consider engaging the parties in seeking a solution to the problem of the three tribal groupings and to other issues bearing upon the implementation of the settlement plan. Mrs. Baker is considering contacts with the parties in early September 1998, following which he will assess the implementability of the plan in its present form and examine whether there are any adjustments to the plan, acceptable to the parties, which would significantly improve the chances of implementing it. If there are not, he will advise me on possible avenues to be pursued. Such an assessment will influence my conclusions as to the continued viability of the mandate of MINURSO and the related recommendations which I expect to be in a position to make to the Security Council in mid-September 1998, before the expiration of the mandate of MINURSO on 21 September.

21. Meanwhile, I welcome the agreement of the Moroccan authorities to formalize the presence of UNHCR. I urge them to take concrete action to enable UNHCR to have free access to and movement in the Territory and to engage fully in its preparatory work for the repatriation of Saharan refugees eligible to vote, and their immediate families.

22. I also look forward to receiving the response from the Moroccan authorities to the proposed status-of-forces agreement, and to the early signature of all three agreements with Algeria, Mauritania and Morocco.

ANNEX

United Nations Mission for the Referendum in Western Sahara: contributions as at 16 August 1998

Country	*Military observers*	*Staff officers*	*Troops*	*Civilian police observers*	*Total*
Argentina	1	–	–	–	1
Austria	5	–	–	–	5*
Bangladesh	6	–	–	–	6
Canada	–	–	–	8	8
China	16	–	–	–	16
Egypt	19	–	–	2	21
El Salvador	2	–	–	–	2
France	25	–	–	–	25
Ghana	6	–	7	10	23
Greece	1	–	–	–	1
Guinea	3	–	–	–	3
Honduras	12	–	–	–	12
Ireland	8	–	–	–	8
India	–	–	–	10	10
Italy	5	–	–	–	5
Kenya	8	–	–	–	8
Malaysia	13	–	–	10	23
Nigeria	5	–	–	10	15
Norway	–	–	–	2	2
Pakistan	5	6	150	8	169
Poland	3	–	–	–	3
Portugal	4	–	–	10	14
Republic of Korea	–	–	20	–	20
Russian Federation	25	–	–	–	25
Sweden	–	4	71	10	85**
Uruguay	13	–	–	–	13
United States of America	15	–	–	–	15
Venezuela	3	–	–	–	3
Total	**203**	**10**	**248**	**80**	**541**

* In addition to the Force Commander.

** Including two national support elements.

DOCUMENT S/1998/776

Identical letters dated 18 August 1998 from the representative of the Islamic Republic of Iran to the Secretary-General and to the President of the Security Council

[*Original: English*]
[*19 August 1998*]

Upon instructions from my Government, I have the honour to welcome the timely statement by the President of the Security Council to the press on 13 August 1998 on the "continuing escalation of the armed conflict in Afghanistan caused by the Taliban forces' offensive in northern Afghanistan", in which the President said in part:

"The Security Council is deeply concerned at the reports of the capture by the Taliban of the Consulate General of the Islamic Republic of Iran in Mazar-e-Sharif and the rough treatment of its personnel. It strongly warns the perpetrators of this flagrant violation of the recognized norms and principles of international law against causing any further harm to their captives and demands the immediate release of the personnel of the Consulate General of the Islamic Republic of Iran in Mazar-e-Sharif, as well as of the Islamic Republic News Agency (IRNA) correspondent in that city."

In addition to the 11 personnel of the Consulate General of the Islamic Republic of Iran in Mazar-e-Sharif and the IRNA correspondent, 36 Iranian relief workers carrying foodstuffs in trucks have also been detained by the Taliban forces on the day of the offensive campaign against that city on 8 August 1998. They have all been reportedly transferred to Kandahar. The names of all detainees are herewith attached as an annex to the present letter.

It may be pointed out that at the outset of the Taliban offensive campaign to the north of Afghanistan, the Islamic Republic of Iran had sought assurances from the Government of Pakistan that the security of the Consulate-General of the Islamic Republic of Iran in Mazar-e-Sharif and the integrity and safety of its personnel would not be violated.

I wish to report, with extreme concern, that as of this morning the Taliban leaders have not been forthcoming and there has been no progress towards the resolution of this highly serious problem.

The Government of the Islamic Republic of Iran regards further delay in the release of its nationals totally unacceptable. It is ultimately responsible for the safety and security of its nationals and is fully prepared to live up to its responsibility. The Government of the Islamic Republic of Iran nevertheless wishes to see its nationals released unharmed and expeditiously without any further delay through negotiation and in an amicable fashion.

Hence, the Government of the Islamic Republic of Iran calls upon the Secretary-General and the Security Council to continue to regard this issue as vitally important and to use the good offices of the United Nations to impress upon the Taliban, and the Governments in a position to assist, in ensuring the safety and immediate release of the Iranian captives.

It would be highly appreciated if the text of the present letter and its annex were circulated as a document of the Security Council.

(*Signed*) Hadi NEJAD-HOSSEINIAN
Permanent Representative
of the Islamic Republic of Iran
to the United Nations

ANNEX

Personnel of the Consulate-General of the Islamic Republic of Iran in Mazar-e-Sharif

1. Mr. Nasser Rigi
2. Mr. Majid Noori
3. Mr. Noorullah Norouzi
4. Mr. Heydar Ali Bagheri
5. Mr. Mohammad Nasser Nasser Jazdar
6. Mr. Hossein Akbari
7. Mr. Rashid Pariav Fallalh
8. Mr. Mohmmad Ali Ghiasi
9. Mr. Karim Heydarian
10. Mr. Allahdad Shahsavan Ghareh Hosseini
11. Mr. Mohmmad Hossein Jafarian

Correspondent of the Islamic Republic News Agency

Mr. Mahmoud Saremi

Iranian relief workers

1. Mr. Gholamhossein Hosseini
2. Mr. Gholamreza Anbarestani
3. Mr. Hossein Ekrami
4. Mr. Mohammad Dehnavi
5. Mr. Gholamreza Pursaadat
6. Mr. Mohammadhossein Fakumoghaddam
7. Mr. Mansour Sangaki
8. Mr. Gholamreza Barati
9. Mr. Hassan Rezai
10. Mr. Mohammad Mamish Ghalenour
11. Mr. Alireza Asadollahi
12. Mr. Abolghasem Yazdani Tavallai
13. Mr. Aliakbar Shahsavari Kheirabadi
14. Mr. Alireza Saedi
15. Mr. Esmail Afagha
16. Mr. Abolghasem Mazinani

17. Mr. Mehdi Hafaee
18. Mr. Ali Afshari Tabrizi
19. Mr. Majafali Molla Salehi
20. Mr. Ghadir Nezamivand Chegini
21. Mr. Kasra Tavakoli Kesbeh
22. Mr. Abolfazl Abasali
23. Mr. Gholam hossein Yousofi Moghaddam
24. Mr. Reza Yousofi Moghaddam
25. Mr. Abas Zarea Fakhrabadi
26. Mr. Mohammadjavad Salari
27. Mr. Hadj Aliakbar Jahanbakhsh
28. Mr. Hamid (Son of Hossein)
29. Mr. Golamreza Armin
30. Mr. Jahangir Askari
31. Mr. Hassan Tarragh
32. Mr. Hamid Tahmasebi Lotfabadi
33. Mr. Saed Reza Mousavi Aghdas
34. Mr. Jahangir Alasavandi
35. Mr. Hossein Rezapour
36. Mr. Asadollah Meamar

DOCUMENT S/1998/777

Letter dated 18 August 1998 from the Secretary-General to the President of the Security Council

[Original: English]
[19 August 1998]

I have the honour to transmit to you herewith the interim report of the International Commission of Inquiry (Rwanda) submitted to me by the Chairman of the Commission in pursuance of Security Council resolution 1161 (1998) of 9 April 1998.

You will note from section V, Administrative and budgetary aspects, the difficulties that the Commission has experienced and that have hampered it in its work. The Commission is financed entirely from the United Nations Trust Fund for Rwanda established for that purpose, to which a number of Member States have offered to contribute. Of the approximately $710,000 pledged by Member States, some $425,000 has been received. I would therefore urge those Governments that have pledged but not yet disbursed contributions to the Trust Fund to do so as soon as possible, in order to enable the International Commission to pursue its inquiries and complete its work in a timely manner.

In accordance with resolution 1161 (1998), it would be my intention to request the Commission to submit to the Security Council a final report before the end of November 1998.

I should be grateful if you would bring the present letter and its annex to the attention of the members of the Security Council.

(*Signed*) Kofi A. ANNAN

ANNEX

Interim report of the International Commission of Inquiry (Rwanda)

[Original: English/French]

I. INTRODUCTION

1. By paragraph 1 of its resolution 1161 (1998) of 9 April 1998, the Security Council requested the Secretary-General to reactivate the International Commission of Inquiry, with the following mandate:

"(*a*) To collect information and investigate reports relating to the sale, supply and shipment of arms and related *matériel* to former Rwandan government forces and militias in the Great Lakes region of central Africa, in violation of Security Council resolutions 918 (1994), 997 (1995) and 1011 (1995);

"(*b*) To identify parties aiding and abetting the illegal sale to or acquisition of arms by former Rwandan government forces and militias, contrary to the resolutions referred to above;

"(*c*) To make recommendations relating to the illegal flow of arms in the Great Lakes region".

2. The International Commission of Inquiry was established pursuant to Security Council resolution 1013 (1995) of 7 September 1995, and it conducted investigations in the Great Lakes region and elsewhere between October 1995 and October 1996. The Commission's reports can be found in documents S/1996/67, S/1996/195, S/1997/1010 and S/1998/63.

3. In a letter addressed to the President of the Security Council dated 27 May 1998 [*S/1998/438*], the Secretary-General notified the President of the Security Council that the membership of the Commission was as follows:

Mr. Mahmoud Kassem (Egypt) (Chairman);

Brigadier-General Mujahid Alam (Pakistan);

Mr. Gilbert Barthe (Switzerland);

Mr. Mel Holt (United States of America).

The Commission is assisted in the field by a political officer and a secretary.

II. DEVELOPMENTS IN THE SITUATION SINCE 1995–1996

4. Following a series of briefings and consultations with members of the Security Council, representatives of other interested Member States and Secretariat officials from 4 to 8 May 1998 at United Nations Headquarters, the Commission re-established itself at its headquarters in Nairobi on 13 May. Some members of the Commission visited London en route for consultations, as described below.

5. Upon its return to Nairobi, it quickly became clear to the Commission that the circumstances in which it was pursuing its investigations had been transformed since the period 1995–1996. At that time, the former Rwandan government forces were overwhelmingly concentrated in north Kivu province of what was then eastern Zaire, with smaller num-

bers in south Kivu and in the north-western part of the United Republic of Tanzania. There was then, and apparently still is, significant organized support for the former Forces armées rwandaises (FAR) in Kenya, where members of the Rwandan Hutu community have been engaged in raising money to buy arms.

6. Just as the Commission was completing its third report [S/1997/1010] in late October 1996, the Banyamulenge and their allies launched an uprising in Kivu that began with attacks on the refugee camps and ex-FAR concentrations there and culminated in the overthrow of the Mobutu regime and the founding of the Democratic Republic of the Congo. It was those tumultuous events that radically transformed the situation being investigated by the Commission and, incidentally, led to a delay of more than one year in the publication of the Commission's third report.

7. Thus, although the mandate adopted by the Security Council in reactivating the International Commission of Inquiry on 9 April 1998 (resolution 1161 (1998)) was essentially the same as that originally contained in resolution 1013 (1995) of 7 September 1995, the Commission has been obliged to adopt a different approach to its investigations necessitated by its absence from the region for 19 months. Nearly two years of violent upheavals have left remnants of the ex-FAR scattered across the African continent, to the point where the first task facing the Commission was to establish their whereabouts and current activities and, to the extent possible, their military capacities and intentions. In order to mount a systematic investigation into the sale or supply of arms to the former Rwandan government forces and to identify parties aiding and abetting them, the Commission has travelled widely throughout Africa. A list of the countries visited and representatives of Governments and organizations interviewed is contained in appendix I.

III. Activities of the International Commission of Inquiry

A. *Activities in Kenya*

8. In Nairobi, the Commission resumed the contacts it had established during the period 1995–1996 and initiated additional contacts among Kenyan government officials, the diplomatic community, United Nations agencies, non-governmental organizations, members of civil society and private individuals.

9. On 18 May 1998, the Chairman of the Commission wrote to the Minister for Foreign Affairs, Mr. Bonaya Godana, requesting a meeting to acquaint his Government with the nature and purpose of the Commission and to request his assistance and cooperation. The Chairman also wrote on the same day to the Attorney General of Kenya, Mr. Amos Wako.

10. At his meeting with the Foreign Minister on 22 May, the Chairman requested his assistance in placing the Commission in contact with senior officials from the Ministry of the Interior, the armed forces and customs, police, civil aviation and intelligence officers who might be in a position to assist the Commission in its inquiries. Minister Godana pledged his Government's cooperation and agreed to designate a liaison officer to work with the Commission in its dealings with other government officials.

11. Despite repeated attempts on the part of the Commission to follow up on the Minister's offer of assistance, including a second letter from the Chairman to the Minister dated 15 July 1998, no liaison officer has yet been appointed. No reply has been received to the 15 July letter.

12. The Commission has also attempted, without success, to meet with the Attorney General, who has been travelling outside the country, or with a representative of his office. The office of the Attorney General has confirmed receipt of a second letter to him from the Chairman dated 10 June 1998 requesting an appointment, but has not yet replied, nor has it responded to subsequent telephone calls.

13. From 9 to 11 July, two commissioners visited the Kakuma refugee camp and Lokichokio in northern Kenya, in connection with reports of the trans-shipment of weapons from the Horn of Africa to the Great Lakes region. They met with United Nations officials and aid workers, as well as with refugees.

14. Numerous sources in Kenya impressed upon the Commission that Rwandan Hutus continued to be very active in the country in raising funds, maintaining political organizations, seeking external support, recruiting soldiers and procuring false passports.

15. While in Nairobi during the period 1995–1996, the Commission had met with Mr. Seth Sendashonga, a former Minister of the Interior (1994–1995) in the Government of Rwanda, who was a member of and retained close links with the Rwandan Hutu community. Mr. Sendashonga had at that time broken with the Government and resumed his links with the Hutu community. Shortly after meeting with the Commission in February 1996, Mr. Sendashonga was wounded by gunfire in Nairobi in an assassination attempt, from which he subsequently recovered. The Commission attempted to meet with him again on its return to Nairobi in May 1998, but Mr. Sendashonga was shot dead two days before the appointment could take place.

16. The Commission has discovered that in Nairobi and in the Kakuma refugee camp, personalities close to the late Mr. Sendashonga are still actively recruiting young men for their military training camps in Lukole and Karagwe, United Republic of Tanzania. Various sources report that the purpose of Mr. Sendashonga's involvement in creating a militia was "to open a new front" in eastern Rwanda. It is understood that recruitment and training have continued since his death.

17. These sources further indicate that in Nairobi, a group of Hutu extremists under the leadership of Major André Bizimana is exerting pressure on refugees and running counter-intelligence operations. There is a common understanding among various sources that some of the proceeds of the many appeals for funds by church groups and women's organizations are used to finance military activities.

18. The political organization Peuple en armes pour la libération du Rwanda, which issues pamphlets distributed in Rwanda and elsewhere, is represented in Nairobi by two individuals who inform the press agencies about the military successes of the insurgents in Rwanda.

19. On 2 August, the Commission met with a delegation from the Human Rights Watch Arms Project, including its Executive Director, Mr. Joost Hiltermann, as part of its long-standing dialogue on issues of mutual concern. Mr. Hiltermann discussed with the Commission a forthcoming meeting of non-governmental organizations in Canada on the issue of small arms and a joint governmental and non-governmental organization meeting in October in Belgium on the gravity of the problem of small-arms flows in Africa and the great interest in the Commission's work among civil society institutions.

B. *Activities in Rwanda*

20. Members of the Commission visited Rwanda three times, from 3 to 6 June, from 1 to 4 July and from 13 to 17 July. They met several times in Kigali with government officials, members of the diplomatic community, United Nations officials and officials of the International Criminal Tribunal for Rwanda, as well as members of non-governmental organizations.

21. On 4 June 1998, the full Commission met with the Minister of State for Defence, Lt. Col. Emmanuel Habyarimana, accompanied by other senior Rwandan government officials. The Minister welcomed the Commission and pledged his Government's cooperation.

22. The Chairman of the Commission recalled that in November 1996, the Banyamulenge and its allies had attacked the Mugunga refugee camp in what was then eastern Zaire. Besides Rwandan civilian refugees, a concentration of former Rwandan government forces and militia also inhabited the camp. Journalists entering Mugunga shortly after the attack reported finding documents bearing the names of companies that had apparently sold weapons to the former Rwandan government forces. Upon learning of those accounts, the Chairman had written to the Government of Rwanda, on 21 November 1996, requesting the Commission's access to the documents reportedly found at the camp. At his meeting with Minister Habyarimana, the Chairman requested to be allowed to examine the documents, to inspect weapons seized in recent engagements between the Rwandan Patriotic Army (RPA) and insurgents, and to interview some of the captured insurgents. The Chairman also requested that a liaison officer be designated to

assist the Commission. At the invitation of the Government, the Chairman subsequently put his requests in writing.

23. The liaison officer appointed by the Government, Lt. Col. Patrick Karegeya, the Chief of External Intelligence of RPA, promised the cooperation of his Government to the extent possible without compromising sensitive intelligence sources and operations. At his invitation, the Commission has begun to study some of the documents seized at Mugunga camp in November 1996. However, according to Lt. Col. Karegeya, many documents were removed by journalists at the time and are not in the possession of the Rwandan Government.

24. Following an agreement reached with the Deputy Prosecutor of the International Criminal Tribunal for Rwanda, Mr. Bernard Muna, Commission members met with him and his staff during June and July.

25. The Commission understands that the ex-FAR, or at least the part operating inside Rwanda, refers to itself as the Armée pour la libération du Rwanda (ALIR) and were under the operational command of Lt. Col. Leonard Nkundiye until his death on 24 July 1998 in a fight with RPA inside Rwanda.

26. From the Commission's numerous discussions and meetings in Kigali, a broad range of opinions emerged that the insurgency in Rwanda, particularly in the north-west, represented a significant security threat to the Government and that the former Rwandan government forces and militia were responsible. There was a unanimous belief that in many recent attacks on civilians and in ambushes of RPA patrols, the insurgents tended to use only small arms or machetes. Nevertheless, it was widely believed that they were in possession of larger stocks of more sophisticated armaments and might be using machetes rather than firearms for psychological effect. Many believed that they were biding their time in preparation for more destructive attacks, the objective of which was eventually to regain power.

27. Some indication of the intentions and possible strength of the insurgents was gained from an underground newspaper published at Gisenyi and distributed secretly as far as Kigali. This propaganda paper, called *Umucunguzi*, or "Saviour", purports to describe the activities of ALIR. The paper accuses the Rwandan Patriotic Army of a campaign of massacre against the people of Rwanda and threatens to extend the struggle against the Government to all parts of the country. In order to demonstrate their freedom of movement within Rwanda, their discipline and their efficiency, the insurgents have also kidnapped missionaries and nuns they believe to be sympathetic to their cause. They are then released unharmed to make public statements about how well they have been treated while in captivity.

C. *Activities in South Africa*

28. During the period 1995–1996, the Commission visited South Africa and established numerous official and private contacts with those who were knowledgeable about arms flows throughout Africa generally and about the situation in the Great Lakes region in particular. Among the Commission's interlocutors was Mr. Willem Ehlers, who had brokered the weapons sale described in some detail in the Commission's first substantive report [*S/1996/195*], which the Commission had concluded was a highly probable violation of the Security Council embargo. In order to re-establish those contacts and to learn the latest developments, the Commission visited South Africa from 22 to 29 July 1998.

29. The Commission met with a number of senior government officials, including the Minister of Justice, Mr. Abdulah H. Omar; the Director-General of the Department of Foreign Affairs, Mr. Jakkie Selebe; the Deputy Director-General of the Department's Multi-Affairs Branch, Mr. Abdul S. Minty; the Chairman of the National Conventional Arms Control Committee, Professor Kader Asmal; the Deputy Director-General of the Secret Service, Mr. Barry Gilder; representatives of the National Intelligence Coordinating Committee and the National Interdepartmental Structure for Border Control; and others in a wide range of academic and non-governmental circles.

30. The Commission's interlocutors in the South African Government made clear the Government's determination to curtail the illegal shipment of arms from and through its territory. To that end, the Government was reducing to 10 the number of airports permitted to handle international flights in order to promote better compliance with laws governing illegal arms trafficking. The Government was also aware of the difficulty of controlling illegal arms transfers by road across its extensive borders and through the some 3,000 airfields located throughout the country. The Government had also adopted legislation to curtail the activities of South African companies and individuals seeking to profit by the sale and supply of weapons and the provision of military training abroad. Government approval of such activities was now granted only if strict guidelines, including adherence to United Nations embargoes and compliance with end-user certificates, were met. The National Conventional Arms Control Committee reviewed requests for the sale of arms and non-lethal military equipment and denied those it considered unwarranted. Where the Committee became aware of apparent violations, it sought to have them investigated. The Government of South Africa had placed the issue of illegal arms transfers on the agenda of the Organization of African Unity, resulting in the adoption of a resolution requesting Governments to provide information on its transfers and receipts of weapons.

31. Nevertheless, information made available to the Commission by knowledgeable and reliable sources concerning, *inter alia*, the alleged transport of arms from South African territory to the Great Lakes region by road via Zimbabwe and Zambia suggests that the scale of illegal trafficking appears to exceed the present capacity of the Governments concerned to control it in full accordance with their laws.

D. *Activities in Uganda*

32. The Commission visited Kampala from 5 to 10 July 1998 and held a total of 19 meetings with government officials, members of the diplomatic community, officials of United Nations agencies, representatives of non-governmental organizations and others. The government officials included Mr. Muluri Mukasa, the Minister of State for Security; Mr. Tom Butime, the Minister for Internal Affairs; Mr. Amama Mbabazi, the Minister of State for Political Affairs; and Mr. Rukahana Rugunda, Minister of State for Foreign Affairs.

33. In their meetings with the Commission on 7 and 10 July 1998, Minister Mukasa and Minister Rugunda informed the Commission that small groups of the ex-FAR and Interahamwe militia were operating in western Uganda. The Government of Uganda understood that elements of the former Forces armées zaïroises (ex-FAZ) were collaborating with ex-FAR elements in the eastern part of the Democratic Republic of the Congo, taking advantage of a degree of support among the local population and the tenuous control exercised over the province from Kinshasa. Those armed groups financed themselves partly through gem mining and support from some local traders said to be opposed to the Kabila Government.

34. The Commission's other interlocutors provided it with a greatly improved understanding of the complex and volatile situation along Uganda's border with the Democratic Republic of the Congo as well as the continuing activity of the former Rwandan government forces in the area and their links with other armed groups.

35. The Ugandan People's Defence Force has reportedly engaged the ex-FAR inside Uganda. Ex-FAR elements had also reportedly established armed camps in the vicinity of Kisoro, north of Goma. The ex-FAR were said to be the best organized of the many armed groups operating in North Kivu province of the Democratic Republic of the Congo, having forged close links with remnants of FAZ. The province is generally considered highly insecure and replete with small arms in numerous depots and caches; the local price of an automatic weapon was said to be approximately $12. The former Rwandan government forces were believed to oppose President Museveni's Government because of its perceived role in support of the successful campaigns of the Rwandan Patriotic Front and the Congolese Alliance of Democratic Forces in 1994 and 1996 respectively. As a result, the ex-FAR have allied themselves with at least one armed anti-Government group in Uganda, the Allied Democratic Front (ADF). The ex-FAR and ex-FAZ are thought by some observers to be supplying weapons to ADF.

36. In his meeting with the Commission, also on 7 July 1998, Mr. Butime, the Minister for Internal Affairs, estimated that the ex-FAR and ex-FAZ comprised 40 per cent of the 500 ADF fighters. The Minister subsequently wrote to the Chairman mentioning companies from three countries, two in Europe and one in Africa, as having supplied weapons to the former Rwandan government forces and militia in 1994 and 1996. The Commission intends to write, if necessary, to the Governments concerned in its further investigation of the matter. The following day, the Minister of State for Political Affairs, Mr. Amama Mbabazi, spoke of a shipment of arms in contravention of the embargo, believed to be for the ex-FAR, which Uganda had impounded at Entebbe airport in 1996, but provided only sketchy details.

E. *Activities in the United Kingdom of Great Britain and Northern Ireland*

37. En route to Nairobi, some members of the Commission met in London in mid-May with Amnesty International to discuss the flow of arms in central and southern Africa and to develop additional contacts.

38. Between 22 and 26 June 1998, a member of the Commission revisited London to meet with a number of organizations and individuals, including Ms. Oona King, a member of the British Parliament and Chairman of the All-Party Group on Rwanda and the Prevention of Genocide. The Commissioner also met again with Amnesty International officials concerning the activities of the ex-FAR and arms transfers in East Africa, and with officials of other non-governmental organizations as well as with private individuals familiar with air cargo operations in Africa. The Commissioner also obtained a large number of documents, including papers said to have been captured from the former Rwandan refugee camp of Mugunga in eastern Zaire, which was attacked by Banyamulenge and allied forces in November 1996. Some documents contain the names of companies that had apparently been supplying arms to the Rwandan government forces, and others describe military plans. The Commission will continue to study those documents with great care and take whatever follow-up action is necessary within the time remaining to it.

39. On the basis of documents found at Mugunga and now in its possession, the Commission has also been in preliminary contact with United Kingdom customs authorities concerning the apparent involvement of a British company in the sale of armaments to the ex-FAR after the imposition of the arms embargo in May 1994. Those allegations were widely publicized at the time of the attack on the camp in November 1996.

F. *Activities in Zambia*

40. In its third report on its activities and the addendum to it [*S/1997/1010, para. 71, and S/1998/63, para. 32*], the Commission described its exchange of correspondence with the Government of Zambia concerning allegations that weapons apparently destined for Goma and Bukavu had been shipped via Mpulungu, a port at the southern tip of Lake Tanganyika. The Zambian Government, in its reply dated 3 December 1996, had invited the Commission to participate in a joint investigation of the allegation.

41. Accordingly, the Commission visited Zambia from 29 July to 1 August 1998. During its visit the Commission met with Zambian government officials in Lusaka and travelled with them to Mpulungu.

42. On 29 July, the Commission met with the Zambian Minister for Foreign Affairs, Mr. S. K. Walubita, who informed the Commission that Zambia had investigated reports of arms shipments occurring via Mpulungu and determined that they were not true. However, the Minister also mentioned one incident in which armed men had intercepted a cargo ship on Lake Tanganyika and forced the crew to abandon its cargo of 100 tons of cement and to take on board a shipment of arms. The Commission subsequently investigated the incident in greater detail, as described below (*see paras. 55 and 56*), and considers it highly significant.

43. Also on 29 July, the Commission met with the Zambian Minister of Defence, Mr. Chitalu Sampa, who was concurrently serving as Acting Minister of Home Affairs. Other officials from the Ministries of Defence and Home Affairs as well as representatives of the police and immigration service also attended. Minister Sampa stressed that his Government was unaware of the shipment of arms through Zambia, but acknowledged that such shipments might take place. In that context, the Minister recalled that his Government had impounded two aircraft at Ndola Airport that were loaded with weapons apparently intended for the União Nacional para a Independência Total de Angola (UNITA). The aircraft had flown from Lanseria Airport in South Africa via Entebbe. The Permanent Secretary of Home Affairs added that small arms were traded and sold in small quantities, but that this activity was not organized and occurred on a small scale.

44. The Commission learned nothing to contradict credible reports of arms shipments through Zambia, and noted that unless there were discrepancies in the accompanying documentation, customs officials did not physically inspect shipments passing through the country.

45. While in Zambia, the Commission heard from a well-informed and reliable source of possible links between elements of the ex-FAR/Interahamwe and ex-FAZ with UNITA. It was also informed that approximately 2,000 Rwandan Hutus described as "*génocidaires*" had fled the Democratic Republic of the Congo and were staying in Maheba camp in the north-western region of Zambia. The source also reported that Ndola Airport, in Zambia near the Congolese border, was widely believed to serve as an important hub of arms trafficking, mostly to UNITA, but also to the Great Lakes region. Those reports had led the Government of Zambia to take stricter measures to control the flow of cargo at Ndola Airport.

IV. Case study: links between the former Rwandan Government forces and Burundian insurgents

46. In its third report [*S/1997/1010, para. 108 (d)*], the Commission stated its conviction that a close link existed at that time (October 1996) between the former Rwandan government forces and the Burundian Conseil national pour la défense de la démocratie (CNDD) and its military wing, the Front pour la défense de la démocratie (FDD) for armed action against both Rwanda and Burundi. That conviction has been further reinforced by documentary evidence now in the possession of the Commission (*see appendix II*)* demonstrating that very close cooperation exists between the ex-FAR and two of the Burundian rebel groups: CNDD/FDD and the Parti pour la libération du peuple Hutu (PALIPEHUTU) and its military wing, the Forces nationales de libération (FNL). The collaboration between the ex-FAR and CNDD/FDD covers both political and military aspects.

47. A Convention of Cooperation (*see appendix II*)* was signed by the High Command of FAR and CNDD on 22 May 1995 at Bukavu (Zaire), which formalized the cooperation between the two parties. The Convention was signed by Léonard Nyangoma, President of CNDD, and Major General Augustin Bizimungu, Commander and Chief of Staff of the ex-FAR. The Convention consists of a preamble that highlights the urgent need for both parties to share:

"both material and financial resources and to coordinate all actions to be taken with a view to ensuring the final victory of the FAR and FDD".

The preamble also refers to "the dilatory and confused attitude of the international community towards our problems". The document then goes on to list specific actions, including the following:

- "To establish a joint politico-military commission responsible for designing and elaborating joint strategies to harmonize our points of view on common political problems and for suggesting ways and means of resolving them;
- "To elaborate a joint education and ideological mobilization programme in order to raise our peoples' awareness of the reasons and justification for our struggle;
- "To elaborate and implement strategies and mechanisms for diplomatic and media penetration in order to deflect the campaigns of demonization and globalization fed and maintained by our common and respective enemies."

* The document is not reproduced in the present supplement; it may be consulted in the files of the Secretariat.

48. The commission established by the Convention was also mandated:

- "To elaborate a programme of military cooperation and an inventory of logistic, financial and human resource requirements in order to ensure their coordination in the common interest; and
- "To establish a joint military and civilian information service and to provide for the training of ad hoc personnel in order to ward off the danger and destabilization threatening the two parties".

49. The Convention came into force with immediate effect.

50. Another document made available to the Commission (*see appendix III*)* is a mission order signed at Bukavu on 4 March 1996 by the ex-FAR general, Gratien Kabiligi, and the Vice-President of CNDD, Christian Sendegeya. The order concerns the transfer of the ex-FAR Lt. Col. Gasarabwe to the staff of FDD temporarily.

51. A note signed by Mr. Sendegeya acknowledging receipt of $5,000 from General Kabiligi, signed at Bukavu on 31 March 1996, indicates some financial support from the ex-FAR to CNDD. The transaction was effected "in the context of a special relationship" (*see appendix IV*).*

52. A more recent document illustrating the relationship between the Rwandan insurgent group ALIR and the Burundian rebel group PALIPEHUTU takes the form of a letter with letterhead of PALIPEHUTU/FNL addressed to Lt. Col. Nkundiye, then the commander of ALIR, written at Bubanza (Burundi) on 20 November 1997 by Abbé Nyandwi, the emissary of ALIR to the Burundian opposition. The letter mentions the presence of ex-FAR fighting alongside FNL in Burundi and describes an earlier written agreement that forms the basis for cooperation between Rwandan and Burundian insurgents as "a draft cooperation agreement between FNL and the ex-FAR, a document which is still open to possible further amendments". The letter includes the following description of the situation:

> "The incessant fighting against the forces of the Rwandan Patriotic Army (RPA), our scarce supply of *matériel*, the lack of fresh supplies and the loss of human lives were all factors which caused us to withdraw to Burundi, where we found a significant number of Rwandan soldiers within the Forces Nationales de Libération (FNL), currently the most serious armed branch of the opposition."

The letter goes on:

> "I informed FNL of the special mission which you had entrusted to me, namely, to promote collaboration between ALIR and the Burundian opposition. The commanders of FNL were apprised of this request, and were very honoured and pleased about it. This collaboration has proved to be essential at this juncture, when FNL has advanced considerably in its struggle against the government army; with serious support from ALIR, this war could be ended, to the benefit of all Burundian and Rwandan Bahutu."

In an apparent reference to the Convention cited above, the writer adds:

> "This method of work should make it possible very shortly to resolve, once and for all, the longstanding Hutu-Tutsi problem in our subregion."

A copy of the letter appears in appendix V.*

53. In addition to the above documentary evidence of political agreements between the ex-FAR and CNDD and the ex-FAR and PALIPEHUTU, there is evidence of cooperation at the operational level between their military wings. The Commission has become aware of a number of incidents that appear to show that the two parties to the Convention have indeed collaborated militarily. The two most significant are described below.

54. The Commission has discovered evidence of the military coordination called for by the Convention in the shipment of arms which, it has reason to believe, were intended for the use of the former Rwandan government forces in or around Rwanda. The incident was briefly mentioned to the Commission by the Zambian Minister for Foreign Affairs and investigated in greater detail by the Commission subsequently.

55. According to the information available to the Commission from government and other sources at Mpulungu, on 13 March 1997 the *Rwegura*, a 500-ton cargo ship registered in Burundi, left Mpulungu port in Zambia loaded with 100 tons of cement destined for Bujumbura. The following day, about half-way up Lake Tanganyika, the ship was forcibly stopped and boarded by a group of armed and uniformed men travelling in two large boats. The rebels, who spoke Kirundi and Kinyarwanda and who identified themselves as Burundian and Rwandan Hutus, ordered the ship to proceed towards Zaire and weigh anchor, where more armed men loaded the vessel with large quantities of arms and ammunition. Between 14 and 27 March, the ship was forced to stop at various points along the Zairian coastline to take on additional loads of arms and *matériel*. The rebels ordered the crew to dump the cargo of cement into the lake in order to accommodate the extra weight. It is estimated that as many as 400 armed men may have boarded the ship during that period. As the ship made its way northwards with its cargo of armaments, it came under attack by an aircraft believed to have originated in Burundi but suffered no serious damage. The *Rwegura* continued to a point off the Tanzanian coast about 10 kilometres south of Kigoma, where, on 28 March, the armed intruders unloaded the arms and ammunition and their personal belongings and set off inland.

56. On the basis of its inquiries among sources with intimate knowledge of this incident and of the peoples and languages of the regions bordering the lake, the Commission strongly believes that the armed men who seized the ship to transport arms comprised both CNDD/FDD fighters and ex-FAR personnel who had fled from the Uvira region after the Banyamulenge attacks of late 1996.

57. The Commission has also been informed that two columns of ex-FAR under the command of a major participated in the attack on Bujumbura airport on 31 December 1997, which resulted in the massacre of some 200 civilians.

58. The fact that CNDD/FDD is not subject to any arms embargo therefore represents a loophole through which the ex-FAR, through their collaboration with that and other Burundian armed groups, can acquire weapons and *matériel* in violation of the resolutions of the Security Council.

V. Administrative and budgetary aspects

59. In accordance with paragraph 6 of resolution 1161 (1998), the International Commission of Inquiry is financed entirely from the United Nations Trust Fund for Rwanda (Trust Fund for the International Commission of Inquiry into arms flows in the Great Lakes region of Central Africa), and receives no financing from the United Nations regular budget.

60. At the 3870th meeting of the Security Council, on 9 April 1998 when it adopted resolution 1161 (1998) reactivating the Commission, a number of speakers announced the intention of their Governments to contribute to the Trust Fund. They were Belgium ($100,000), Germany ($50,000), Japan ($40,000), the United Kingdom (100,000 pounds sterling) and the United States of America ($100,000). The Government of Belgium had also made a contribution of $100,000 to the Trust Fund in 1995, shortly after the adoption of resolution 1013 (1995) establishing the Commission. In meetings with the Chairman during the week of 4B8 May 1998, when the Commission visited New York for briefings and consultations, the representatives of France and Sweden also pledged to make contributions of $40,000 and $50,000 respectively. The Government of the Netherlands has also subsequently pledged $70,000 for the Commission's work.

61. Taken together, those contributions were estimated to be sufficient to finance the six-month period of operations envisaged in resolution 1161 (1998). However, at the time of the drafting of the present report, contributions had not yet been received from all the countries that had declared their intent to make them. Since spending authority can be issued only upon receipt of cash contributions, the great discrepancy and time lag between pledges and disbursements has led to serious disruptions and numerous administrative obstacles to the work of the Commission. The Commission, nevertheless, has persevered in its work as best it could under the difficult circumstances. The Commission strongly feels that if it is to successfully accomplish its mandate in the short time available, then the various financial and administrative difficulties encountered so far need to be resolved on an urgent basis. The Commission expresses its appreciation to the Governments that have pledged, and paid, contributions to the Trust Fund to support its work.

VI. Observations and next steps

62. The Commission will reserve its conclusions and recommendations for its final report, due in November 1998. At this stage, however, it is already clear that the situation that prompted the Security Council to establish the Commission in 1995 has become much more complex and difficult to interpret. Many questions remain to be answered about the impact of the physical dispersion of the former Rwandan government forces since 1996 on their long-term intentions, military planning and operational effectiveness, as well as about the implications of their alliances with other local rebel groups in their present countries of refuge and their capacity to achieve their objectives through the purchase of arms to be used in Rwanda in violation of the United Nations arms embargo.

63. The general picture that the Commission has been able to build up since its return to the region indicates that significant numbers of ex-FAR and militia personnel remain deeply hostile to the Government of Rwanda and are still committed to its violent overthrow. To that end, many of those who remain in both North and South Kivu provinces and those who have returned to north-western Rwanda since November 1996 are engaged in an insurgency against the Government characterized by repeated attacks against Rwandan civilians and government forces.

64. Several indications suggest that armed groups, especially Burundian insurgents and elements of the ex-FAZ and ADF in Uganda, are aiding and abetting the ex-FAR and closely collaborating with them, including in violations of the United Nations embargo. The Commission intends to investigate further credible accounts it has received concerning the relationship between elements of the ex-FAR and UNITA.

65. On the basis of the information it has gathered so far about the new profile of the ex-FAR, the Commission therefore intends, time and funding permitting, to pursue its investigations into reports of the sale or supply of arms to the former Rwandan government forces and militia and the parties aiding and abetting them. As essential background for those investigations, the Commission will continue to compile data showing the current geographical distribution of the former Rwandan government forces, their political activities and their military plans and intentions. The Commission will continue its efforts to indicate their approximate strength in each country, the alliances they have formed with local groups and their military and political activities, including rearmament, fund-raising and military training and intentions.

66. One of the most important countries on the Commission's future itinerary is the Democratic Republic of the Congo, whose territory, as Zaire, provided the backdrop for some of the most dramatic events involving the ex-FAR and Interahamwe. Repeated efforts by the Commission in 1995–1996 to obtain from the Government of Zaire information about breaches of the embargo on the ex-FAR proved fruitless, as described in the Commission's previous reports. In its second report [*S/1996/195*], the Commission concluded that the Zairian Government had aided and abetted what the Commission considered to be a highly probable violation that the Commission exposed in some detail.

67. Indirect and informal contacts conducted in New York and Kinshasa in May and June indicated that the Government of the Democratic Republic of the Congo would welcome a visit from the Commission and would be prepared to cooperate fully with it. The Commission requested from the Government an invitation to visit the country in a letter dated 11 June 1998 and had looked forward to receiving its cooperation during the course of its investigations. However, the Commission will now review its approach in the light of current developments in the Democratic Republic of the Congo.

68. The Commission also has provisional plans to visit Angola, Burundi, the Central African Republic, the Republic of the Congo, Mozambique, the United Republic of Tanzania and the Organization of African Unity, as well as any other countries in which ex-FAR activity can be detected to gather information from Governments, United Nations agencies, non-governmental organizations and other sources, as well as following up leads identified in the Commission's earlier investigations.

69. The complications in the situation arising from the links between the ex-FAR and other armed groups in the region should be viewed in the light of resolution 1011 (1995) of 16 August 1995, by which the Security Council prohibited the sale and supply of arms and related *matériel* to Rwanda or to persons in the States neighbouring Rwanda if such sale or supply was for the purpose of the use of such arms or *matériel* within Rwanda. During the previous three months the Commission has heard compelling reports of ex-FAR involvement in procuring weapons reportedly for use in Angola, Congo, the Democratic Republic of the Congo, Uganda and possibly elsewhere.

70. Moreover, the current upheavals throughout the central region of Africa are likely to prompt the ex-FAR and Interahamwe to forge new operational alliances with a variety of parties, thus opening up additional avenues for the provision of arms and related *matériel* to the ex-FAR and Interahamwe and further complicating the investigation of sources. The Commission will address those considerations when it formulates its recommendations to the Security Council in its final report, to be submitted to the Council in November.

APPENDIX I

List of countries visited and representatives of Governments and organizations interviewed

The International Commission of Inquiry wishes to express its deep appreciation to the government officials, diplomats, non-governmental organizations, individual relief workers, journalists and others who assisted it in its inquiries. The following list is incomplete in deference to the wishes of those who requested anonymity.

In Kenya

Government officials

Minister of Foreign Affairs

Representatives of States

Belgium
Burundi
Canada
China
Democratic Republic of the Congo
France
Mozambique
Rwanda
South Africa
Uganda
United Kingdom of Great Britain and Northern Ireland
United Republic of Tanzania
United States of America
Zambia

United Nations agencies and international humanitarian organizations

Office of the United Nations High Commissioner for Refugees
United Nations Children's Fund
United Nations International Criminal Tribunal for Rwanda
World Food Programme
Representative of the Secretary-General and Regional Humanitarian Adviser for the Great Lakes Region
Operation Lifeline Sudan

Non-governmental organizations

Human Rights Watch
International Resource Group
Oxfam

In Rwanda

Government officials

Minister of State for Defence
Secretary-General of the Ministry of Defence
Diplomatic Adviser to the Vice-President
Rwandan Patriotic Party Chief of External Intelligence
Rwandan Patriotic Party Assistant Chief of External Intelligence

Representatives of States

Belgium
Germany
Netherlands
United States of America

United Nations agencies and international humanitarian organizations

Food and Agriculture Organization of the United Nations
Office of the United Nations High Commissioner for Refugees
United Nations Development Programme
United Nations Children's Fund
United Nations International Criminal Tribunal for Rwanda
World Food Programme

Non-governmental organizations

Human Rights Watch
Oxfam

In South Africa

Government officials

Minister of Justice
Minister for Water Resources and Forestry/Chairman of the National Conventional Arms Control Committee
Director-General of the Department of Foreign Affairs
Deputy Director-General of the Department of Foreign Affairs (Multilateral Affairs)
Director of the Defence Secretariat's Directorate of Conventional Arms Control
Executive Director of the National Interdepartmental Structure for Border Control
Deputy Director General of the Secret Service
Coordinator of Intelligence of the National Intelligence Coordinating Committee

Representatives of States

Belgium
France

United Nations agencies and international humanitarian organizations

United Nations Development Programme

Nongovernmental organizations

Centre for Conflict Resolution (Cape Town)
Institute for Security Studies

In Uganda

Government officials

Minister of Internal Affairs
Minister of State for Foreign Affairs (Regional Cooperation)
Minister of State for Political Affairs
Minister of State for Security
Chairperson of Uganda's Human Rights Commission

Representatives of States

France
Italy
United Kingdom
United States

United Nations agencies and international humanitarian organizations

Office of the United Nations High Commissioner for Refugees
United Nations Development Programme
United Nations Children's Fund

Non-governmental organizations

Centre for Conflict Resolution
International Federation of Red Cross and Red Crescent Societies
Oxfam
World Vision

In the United Kingdom

Government officials

Member of Parliament

Non-governmental organizations

Amnesty International
International Alert
Saferworld

In Zambia

Government officials

Minister of Foreign Affairs
Minister of Defence
Deputy Minister of Foreign Affairs
Deputy Minister of Defence
Permanent Secretary of the Ministry of Defence
Permanent Secretary of the Ministry of Foreign Affairs
Deputy Permanent Secretary of the Ministry of Foreign Affairs
Deputy Commissioner of Police
Deputy Chief Immigrations Officer

Representatives of States

Egypt

United Nations agencies and international humanitarian organizations

United Nations Development Programme
World Food Programme

Non-governmental organizations

Zambian Red Cross Society

DOCUMENTS S/1998/783 AND ADD.1

Second report of the Secretary-General on the United Nations Mission in the Central African Republic

DOCUMENT S/1998/783

[Original: English]
[21 August 1998]

I. Introduction

1. The present report is submitted pursuant to paragraph 6 of Security Council resolution 1182 (1998) of 14 July 1998, by which the Council urged me to provide, as soon as possible, recommendations for United Nations assistance for the legislative election process in the Central African Republic.

2. In paragraph 5 of that resolution, the Security Council called upon the authorities of the Central African Republic to adopt rapidly an operational plan for the organization of legislative elections, and so enable the United Nations and international organizations to make arrangements for the provision of necessary assistance. Since that plan was adopted on 6 August 1998, I am now in a position to submit recommendations on a possible United Nations role in the legislative election process. The present report also provides an update on electoral developments since my report of 19 June 1998 [*S/1998/540*] on the United Nations Mission in the Central African Republic (MINURCA).

II. Electoral preparations

Institutional aspects

3. As indicated in my report of 19 June 1998, the Commission électorale mixte et indépendante (CEMI) was formally established by a decree on 28 May 1998. However, the Electoral Commission was not able promptly to begin its work, owing to differences among the political parties over its composition. In an effort to reconcile their respective positions, my Special Representative, Mr. Oluyemi Adeniji, convened a meeting of political parties on 16 June, together with the two members of the Group of Friends of the Central African Republic represented in Bangui, the ambassadors of France and of the United States of America. After protracted discussions, a consensus was finally reached on the chairmanship, Bureau and composition of the Electoral Commission, including a compromise formula for the sharing, among all main political parties, of posts in the CEMI Bureau.

4. Accordingly, President Ange-Félix Patassé signed a revised decree on the composition of the Electoral Commission on 18 June. The CEMI members were sworn in and the Commission held its first session on the following day, under the chairmanship of Mr. Michel Adama-Tamboux. Draft rules of procedure were adopted by the CEMI Bureau on 26 June and formally adopted by the Commission in plenary on the same day. The rules provide for the establishment of six technical subcommissions dealing with the following issues: finance; materials and logistics; voters lists and voter cards; candidacy, information and training; polling stations and counting centres; and security.

5. As indicated in my previous report, President Patassé initially decided to hold the legislative elections on 16 and 30 August 1998. However, the Electoral Commission, in keeping with the Electoral Code, proposed to hold the elections in September 1998. As a result, President Patassé signed a decree on 8 July setting the date of the first round of elections for 20 September 1998, with an electoral campaign from 5 to 18 September. The second round, which is to take place three weeks after the first, was thus set for 11 October.

6. On 24 July, the President signed and promulgated a law on electoral redistricting, as adopted by the National Assembly two weeks earlier. Article one of that law increased by 24 the previous number of deputies in the National Assembly for a total of 109 (representing 109 electoral districts). Article two set the following criteria for determining the number of districts: for Bangui, there would be one deputy per 65,000 inhabitants, and for the provinces, one per 40,000. A presidential decree establishing the electoral districts was signed on 31 July. However, both the law and the decree are being contested by the opposition parties as unconstitutional; the case is being considered by the Constitutional Court. For planning purposes, the Electoral Commission will need to know the exact number of deputies to be elected and the final electoral mapping as soon as possible.

Budgetary aspects

7. On 17 July, following several meetings with key donors, the Electoral Commission adopted a budget of $3.2 million, compared to initial estimates of about $4.4 million. At donors' meetings held in Bangui on 23 and 31 July, France pledged a contribution of FF 7 million (38 per cent of the total budget), while the European Union announced a contribution of 534 million CFA francs. Those contributions are to finance the production and transportation of electoral materials and equipment and the updating of the electoral lists and voter cards, as well as supervisory missions, technical assistance and observation of elections. Japan also pledged to cover transportation costs (helicopter and fuel) for the distribution and retrieval of electoral materials and equipment throughout the country, as well as the remuneration of poll workers. China announced a contribution in the form of 4 computers and 1,000 calculators. The United States was not in a position at the time to specify the amount of any pledge, but subsequently announced a contribution of $50,000 for the printing of ballot papers and $200,000 for the direct subcontracting of United States non-governmental organizations to promote electoral awareness and training, as well as observation activities. Canada pledged C$ 100,000 (US$ 66,000).

The United Nations Development Programme (UNDP) confirmed that it would contribute $500,000 for a technical assistance project in support of the electoral process, including training of electoral workers, voter education and technical support to the Electoral Commission.

8. The above pledges cover the budget of the Electoral Commission in full. While the European Union announced that its contribution to the CEMI budget would be bilateral in nature, Canada, France, Japan and the United States are channelling their contributions through the United Nations, under a cost-sharing project with UNDP.

Operational aspects

9. The Electoral Commission is now fully operational in Bangui, and most of its branches at the provincial level, the *comités sous-préfectoraux*, are also in place. However, the national coordination and operational activities of the Commission in preparation for the elections have been seriously impeded by the delay in the provision of necessary financial and other resources. In particular, supervisory missions to the provinces, a key step in the control and amendment of the electoral rolls, are far behind schedule, although the Office national informatique has made good progress in compiling the raw data.

10. According to the operational plan of the Electoral Commission (which was adopted and presented at the weekly donors' meeting on 6 August), a number of other key preparatory activities for the elections were, at the time of the drafting of the present report, five weeks behind schedule. They include a market survey for the procurement of ballot boxes and other electoral materials, the ordering of voter cards, the implementation of training programmes for poll workers and members of the *comités sous-préfectoraux* and the elaboration of a national logistic support plan for the distribution and retrieval of electoral materials throughout the country. With respect to the last item, in a letter to my Special Representative dated 31 July, the Chairman of the Electoral Commission requested United Nations assistance for the distribution and retrieval of electoral materials. The Chairman pointed out that this crucial element of electoral support had been provided by the French forces based in the Central African Republic during the 1993 elections. In this connection, it is pertinent to mention that donors, as well as the Friends of the Central African Republic in Bangui, expressed the view that the Mission's logistical support would be essential, as any alternative source, even if feasible, would be much more expensive.

11. On 7 August, President Patassé convened a meeting with donors, government officials, the Electoral Commission and MINURCA, at which the CEMI Chairman presented a progress report and indicated that, in view of the operational delays caused largely by the lack of resources, the elections might not be held as scheduled. However, President Patassé expressed the view that the election date of 20 September should be maintained. He also stressed that the ballot papers should be printed outside the country, a position that the Electoral Commission believed would further compound the delays in preparing the elections. On 14 August, the Electoral Commission met with President Patassé and subsequently announced in a press communiqué that it envisaged, for technical and legal reasons, a modification of the electoral calendar. The Commission also requested that the administrative authorities suspend the registration of candidatures until a new electoral calendar was established. At a meeting held with donors and UNDP on 18 August, the Commission indicated that it would not set a new date for the elections until its preparations, especially the checking of the electoral lists, were well advanced and the role to be played by the United Nations in the electoral process became clear.

United Nations activities

12. During the reporting period, MINURCA, in close collaboration with UNDP and the Friends of the Central African Republic in Bangui, continued to provide advice and technical assistance to the Central African authorities in the planning and organization of the elections. My Special Representative, in cooperation with UNDP, has been sensitizing the international community to the need to respond positively and quickly to the call by the Security Council, in its resolution 1182 (1998), to provide the international assistance necessary to support the organization of the elections. The MINURCA electoral experts worked closely with the Electoral Commission to assist in the development of its operational plan and budget and in the coordination of electoral activities. I wish to express my gratitude to those Member States and international organizations that have responded with generous contributions to the electoral budget.

13. MINURCA continued to place special emphasis on the dissemination of accurate information as a tool for national reconciliation and peace. In this spirit, my Special Representative continued to give regular press conferences and to hold meetings with a broad spectrum of the Central African civil society, as well as all the international agencies represented in Bangui. In addition, with a generous contribution from the Government of Denmark, a United Nations radio station, Radio MINURCA, was launched on 22 July and began live broadcasting on 27 July. Radio MINURCA has been featuring topics related to the mandate of MINURCA and, working closely with the MINURCA electoral unit and UNDP, has also featured topics on the electoral process, thus providing a major tool to inform voters on the various stages of the process. As the only independent voice capable of reaching the entire country, Radio MINURCA has already established itself as a vital source of objective and factual information.

14. During the reporting period, MINURCA also completed its reconnaissance missions to key locations in the interior of the country to assess the situation outside Bangui in order to facilitate preparations for the elections and to help formulate recommendations on a future United Nations role in the electoral process.

15. Among other activities that have a bearing on the electoral process, as suggested by my Special Representative to President Patassé, a joint Government-MINURCA committee was established to agree upon a programme for the restructuring of the Forces armées centrafricaines (FACA)

and to work out the modalities for its implementation. In addition, the civilian police component of MINURCA started its first one-month training session of 60 members of the national gendarmerie on 11 August. This would be followed immediately by a second one-month session, with a view to training at least 120 gendarmes before the elections.

III. Possible United Nations assistance in the electoral process

16. Pursuant to Security Council resolution 1182 (1998) and given the developments described in the preceding section, an operational plan for possible United Nations assistance in the electoral process in the Central African Republic has been developed by MINURCA. The plan is based on a detailed assessment made by MINURCA, in close cooperation with UNDP and key donor countries. Subject to Security Council approval, and with the understanding that the ultimate responsibility for the organization and conduct of the legislative elections rests with the Electoral Commission, MINURCA could provide the following support:

(*a*) The transport of electoral materials and equipment to selected sites and to the *sous-préfectures* and their retrieval, as well as the transport of United Nations electoral observers to and from the selected sites;

(*b*) A limited but reliable international observation of the first and second rounds of the legislative elections;

(*c*) Ensuring the security of electoral materials and equipment during their transport to and at the selected sites, as well as the security of United Nations electoral observers.

Logistic support

17. According to the above plan, MINURCA would provide for the timely road and air (plane and helicopter) transport of electoral materials and equipment from Bangui to the 69 *sous-préfectures* of the Central African Republic and, exceptionally, to a few polling stations (from among the 2,500 in the country) that are inaccessible by road. The electoral materials and equipment would also be retrieved by MINURCA and returned to Bangui.

18. MINURCA would transport the electoral materials and equipment to the 15 *sous-préfectures* located near Bangui. For the provinces, the bulk of electoral materials and equipment would be transported by MINURCA to six selected sites (Bambari, Bangassou, Berberati, Bouar, Kaga Bandoro and Ndélé towns) by air, and delivered from those six sites to the remaining 54 *sous-préfectures* by road or air, as appropriate. All return trips from the *sous-préfectures* that are accessible by road would take place on the same day, thereby obviating the need to set up support structures there.

19. The local electoral authorities would be responsible for the distribution of electoral materials from the *sous-préfectures* to the polling stations (apart from the above-mentioned stations inaccessible by road), as well as within the city of Bangui.

20. The United Nations electoral observers, as described below, would also be transported by MINURCA from Bangui to the six selected sites and back.

International observation

21. MINURCA would conduct a limited observation of the legislative elections, in close cooperation with other international organizations that might be invited by the Electoral Commission. In this context, it is proposed that a total of 14 medium-term and 80 short-term electoral observers be deployed to monitor the elections and assess their results.

22. The medium-term observers, in seven two-member teams, would be deployed to Bangui and to the six selected sites outside the capital four weeks before the date of the first round of polling, for a total period of about two months. The medium-term observers, who would be recruited from among the United Nations Volunteers, would monitor the electoral preparations and plan for the arrival of the short-term observers. The short-term observers would join the medium-term observers two or three days before the first round of polling, to form a total of 47 teams composed of two observers each. Half of the short-term observers would be recruited locally from among international personnel (MINURCA, United Nations agencies, international non-governmental organizations and the diplomatic corps). The other half would be recruited from abroad (United Nations personnel and mission appointees). The short-term observers from abroad could leave two or three days after the first round, since only the 40 locally recruited short-term observers would be required to observe the second round and would join the 14 medium-term observers to form 27 two-observer teams.

23. Under this plan, it is estimated that the teams would be able to visit at least 25 per cent of the polling stations (i.e., about a dozen per team). Bangui and the six selected sites where the electoral observers would be deployed represent, respectively, 10 and 17 per cent of the polling stations nationwide, thus providing a credible sample of the overall electoral process.

Provision of security

24. On the basis of a careful review of the situation in the Central African Republic, two options have been developed. Under the first option, it is estimated that the security of the electoral material and observers outside Bangui would best be provided by a minimum of 450 troops. Of those, 150 current MINURCA troops would be temporarily redeployed from Bangui to the six selected provincial sites. The remaining 300 troops would have to be provided by troop-contributing countries, to supplement the current authorized strength of the military component of MINURCA. Subject to Security Council approval, it is estimated that 8 to 10 weeks would be required for the deployment of the proposed 450 troops and the necessary support materials to the six provincial sites.

25. Under the second option, a maximum of 250 current MINURCA troops would be temporarily redeployed to the six selected sites, complemented by 150 FACA troops, for a total strength of 400. During the period of deployment at the six selected sites, the 150 national troops would be under the operational control of MINURCA. An estimated period of six weeks would be required for the redeployment of the MINURCA and FACA troops. In that connection, pursuant

to paragraph 2 of Security Council resolution 1182 (1998) concerning the restructuring of the national armed forces, the FACA elements that would cooperate with MINURCA could serve as the nucleus for the building of a republican, multi-ethnic Central African army.

26. Under both options, the troops would escort the electoral materials and equipment during their transport and retrieval as described in paragraphs 17 and 18 above. While ensuring security at the six provincial sites, the troops would escort and deliver the electoral materials to and from the *sous-préfectures* and the polling stations mentioned in paragraph 17. MINURCA would not provide for the security of electoral materials at any *sous-préfecture* or polling station outside those sites, since this would be the responsibility of the Central African authorities.

27. The deployment of troops under either option is based on the assumption that two platoon-sized elements of 30 to 40 personnel each would be required to provide security at each of the six selected sites. The troops would be deployed six weeks before the elections and would remain at those sites for about two and a half months. Should the Security Council approve a new mandate for MINURCA in support of the electoral process, the Mission's current rules of engagement would need to be reviewed to ensure consistency with the additional military tasks.

Financial requirements

28. The Mission's current air and road transportation assets, including contingent-owned equipment, would not be sufficient to support the deployment of and to sustain troops and observers outside Bangui, as well as to transport electoral materials and equipment to and from six provincial sites, 69 *sous-préfectures* and selected polling stations. The additional assets for the support of the Mission's deployed troops and observers would have to be funded from the MINURCA budget. The financial implications of these transportation and support assets, as well as the deployment of United Nations electoral observers and additional MINURCA troops under the two proposed options indicated in paragraphs 24 and 25 above, will be submitted shortly as an addendum to the present report. The cost of air and road transportation required for the delivery of electoral materials and equipment would be funded from the CEMI budget. It has been agreed with the donors concerned that their contributions would be administered by UNDP.

29. The deployment of 150 FACA troops to assist MINURCA outside Bangui, as proposed in paragraph 25 above, would need to be funded through voluntary contributions by Member States.

IV. Observations and recommendations

30. As described in the present report, substantial progress has been made by the Central African authorities in the preparations for the 1998 legislative elections. The Electoral Commission has prepared a budget acceptable to all concerned, including key donors who have pledged the necessary funds. However, the operational activities of the Commission are well behind schedule, as it was only inaugurated in late June and the disbursement of critical funds only started in late July. As already noted, it recently became clear that more time would be required for completing the tasks defined in the CEMI operational plan. Accordingly, on 14 August, the Electoral Commission announced that the elections scheduled to be held on 20 September 1998 would have to be delayed. The Commission also indicated that it would set a new date for the elections after the completion of certain key preparatory steps and once the role it expects the United Nations to play in the electoral process has been determined.

31. In this context, it should be stressed that the ultimate responsibility for the organization and conduct of the legislative elections must rest with the Electoral Commission. Any proposed United Nations assistance can only be complementary to the Commission's work. It is therefore essential that the Electoral Commission take the measures necessary to ensure the timely delivery and retrieval of electoral material to all polling stations. It should also be stressed that the Central African authorities will be responsible for the maintenance of law and order throughout the country during the election process. In this connection, I am gratified that the training of the national gendarmerie has started and that a joint Government-MINURCA committee on the restructuring of the national armed forces has been established. The Government of the Central African Republic must continue to give priority attention to this issue, in accordance with Security Council resolution 1182 (1998).

32. With respect to the redeployment of MINURCA troops to the provinces, proposed in section III of the present report, it should be emphasized that the feasibility of such redeployment is predicated upon the assumption that the security situation during the electoral process in Bangui would remain stable. It should also be stressed, in this regard, that first option (*see para. 24 above*) would clearly be the preferred approach. This option would enable MINURCA to be in a better position to continue to assist in the maintenance of security in Bangui during the election process while, at the same time, ensuring security for the transport and retrieval of electoral material, as well as protection of the electoral observers at those sites. The second option (*see para. 25 above*) would not offer the same guarantees, since it would seriously weaken the Mission's presence in Bangui and would make it more difficult for it to respond effectively to security threats in the capital should they occur at any time during the election process.

33. With respect to the proposed international electoral observation (*see paras. 21 to 23 above*), the observation sites have been carefully selected, on the basis of population density, the number of polling stations in the area, the accessibility of the polling stations and security conditions, to provide a reliable picture of the conduct of the elections. Indeed, the monitoring of the electoral process in Bangui and the six selected sites would encompass at least 25 per cent of all polling stations nationwide. Based on the accumulated experience of the United Nations in electoral observation, this is considered to be a representative and credible

percentage, which would enable my Special Representative to issue, at the end of the process, an overall assessment of the results of the legislative elections.

34. As noted in my last report [*ibid.*], MINURCA has succeeded since its establishment, on 15 April 1998, in maintaining security and stability in Bangui. At the same time, the Central African authorities, with the advice and support of my Special Representative, MINURCA and UNDP, have made significant progress in implementing the Bangui agreements and initiating major political and economic reforms. This includes the recent conclusion of an agreement with the Bretton Woods institutions to address the pressing economic and social difficulties facing the country. Nevertheless, the national reconciliation process and the security situation remain fragile. The holding of timely legislative elections, in accordance with acceptable international standards, would undoubtedly help to further the peace process and create a climate of stability in which financial and economic reforms can be vigorously pursued.

35. Should the Security Council decide to expand the mandate of MINURCA to include assistance to the election process in the Central African Republic as outlined above, this could play an essential role. It is clear that without the effective support of the United Nations and the international community, it would not be possible for the Central African Republic to hold the elections within a time-frame consistent with constitutional provisions, thereby undermining the achievements made so far in the national reconciliation and peace process.

36. I therefore recommend that the Security Council approve the proposals for United Nations assistance in the electoral process contained in section III above and modify the Mission's mandate accordingly. As regards the provision of security to the electoral observers and material during the election process, I further recommend that, for the reasons given in paragraph 32 above, the Council consider approving the first option. Finally, I should also like to urge all the Central African parties to assume fully their responsibilities in the elections and to participate in them in a manner that will strengthen the democratic process in the country and contribute to genuine national reconciliation.

DOCUMENT S/1998/783/ADD.1

[*Original: English*]
[*25 August 1998*]

1. As indicated in paragraph 28 of my main report, dated 21 August 1998, I wish to inform the Security Council that the costs for the transportation and support assets, as well as the deployment of United Nations electoral observers and additional United Nations Mission in the Central African Republic (MINURCA) troops for a two-and-a-half-month period under the proposed options 1 and 2 indicated in paragraphs 24 and 25 of my main report would amount to $6.3 million and $3.8 million, respectively.

2. Option 1 provides for the deployment of an additional 300 troops to be deployed to the six selected provincial sites, together with 150 troops from the current MINURCA military component, for a total of 450 troops. They would need to be supported by 42 additional staff (24 international and 18 local staff). In addition, a total of 14 medium-term electoral observers would be required, to be deployed four weeks before the date of the first round of polling, for a total of two months. They would be followed by 80 short-term electoral observers, who would join the medium-term observers two or three days before the first round of polling.

3. Option 2 provides for the deployment of a maximum of 250 current MINURCA troops to the six selected sites, complemented by 150 Forces armées centrafricanes troops, for a total strength of 400 troops, to be supported by the same number of civilian personnel and electoral observers required under option 1.

4. A breakdown of the requirements of both options by main categories of expenditure is provided for information purposes in the annex to the present addendum.

5. Should the Security Council decide to expand the mandate of MINURCA to include assistance to the electoral process in the Central African Republic, it would be my recommendation to the General Assembly that the related cost should be considered an expense of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations.

ANNEX

Cost estimates for assistance to the electoral process in the Central African Republic for a period of two and a half months

(Thousands of United States dollars)

Description		*Option 1*	*Option 2*
1.	Military personnel cost	1 615,0	22,0
2.	Civilian personnel cost	1 243,0	1 242,0
3.	Premises/accommodation	50,0	42,0
4.	Infrastructure repairs	65,0	65,0
5.	Transport operations	276,0	252,0
6.	Air operations	1 266,0	1 266,0
7.	Naval operations	–	–
8.	Communications	505,0	471,0
9.	Other equipment	294,0	247,0
10.	Supplies and services	202,0	104,0
11.	Election-related supplies and services	–	–
12.	Public information programmes	–	–
13.	Training programmes	–	–
14.	Mine-clearing programmes	–	–
15.	Assistance for disarmament and demobilization	–	–
16.	Air and surface freight	720,0	5,0
17.	Staff assessment	82,0	82,0
Total		**6 318,0**	**3 798,0**

DOCUMENT S/1998/785*

Identical letters dated 19 August 1998 from the Secretary-General to the President of the General Assembly and to the President of the Security Council

[Original: English]
[21 August 1998]

I wish to thank you for your participation in the third meeting between the United Nations and regional organizations, which recently took place in New York.

I am particularly pleased that we had an open and frank discussion and a constructive exchange of views on some of the most important issues affecting cooperation between the United Nations and regional organizations in the field of conflict prevention. I have taken careful note of suggestions made for enhancing our interaction in this field.

I also welcome the emphasis that was placed at the meeting on the need for effective follow-up and the decision taken to convene a working level meeting between the United Nations and participating regional organizations, before the end of the year, to develop further the modalities for collaboration that we discussed.

In the meantime, I have the pleasure to enclose a copy of the summary statement I delivered at the concluding session of the meeting, which highlights some of the main points of our meeting.

It is clear to me that there will be a growing need for expanded and more effective cooperation in the field of conflict prevention between the United Nations and regional organizations, and I value the support of the General Assembly in this regard.

I would be grateful if the present letter and my concluding statement could be circulated as a document of the General Assembly and of the Security Council.

(*Signed*) Kofi A. ANNAN

ANNEX

Summary statement of the Secretary-General at the concluding session of the third meeting between the United Nations and regional organizations, held on 28 and 29 July 1998

1. I am very pleased that the third high-level meeting between the United Nations and regional organizations has successfully taken place at Headquarters. I am also gratified by the positive response to my invitation as reflected by your active participation here. I further welcome your support for my proposal to discuss "Cooperation for conflict prevention" as the theme of the meeting and the constructive spirit of dialogue that took place here.

2. I will now try to summarize my understanding of the discussions held at the meeting and to highlight some of the main points that appeared particularly significant to me.

3. The first two meetings, held in 1994 and 1996, focused on general principles and modalities to guide cooperation between the United Nations and regional organizations in the field of international peace and security. Based on the understandings reached at the previous two meetings, this meeting examined the potential for greater interaction and cooperation between the United Nations and regional organizations in the field of conflict prevention within the framework of the Charter of the United Nations and the mandates of regional organizations. In particular, we discussed the challenge of conflict prevention, reviewed how the United Nations and regional organizations are responding to meet this challenge and identified areas of possible future interaction and collaboration in this area.

4. In an era when the principal threat to human security is increasingly coming from new and more diverse forms of conflict, the challenge of conflict prevention goes to the very heart of the shared mission of the United Nations and regional organizations. To meet this challenge, the critical need to develop a culture of prevention and specific forms of action and interaction in this field was recognized. To this end, two distinct categories of cooperation were noted. First, we looked at "structural prevention", namely, the need to address the economic, social, ethnic and other root causes of conflict and to promote greater respect for human rights, maintenance of the rule of law and strengthening of democratic institutions. Then we discussed "operational prevention", which encompasses the traditional forms of conflict prevention and "early warning". In this context, it was noted that prevention is a continuum that ranges from early warning, through preventive diplomacy, preventive disarmament (in particular of small arms), preventive deployment and on to peace-building, both before and after conflicts.

5. It was further recognized that the United Nations and the regional organizations possess various strengths and capabilities in the area of conflict prevention and that the focus should now be placed on how these organizations can work together to achieve greater complementarity as mutually reinforcing institutions, making use of their comparative advantages. Since the United Nations and some regional organizations have recently established new mechanisms for early warning and conflict prevention, there is an increasing need to share experiences in this field.

6. It was noted, in particular, that the key to conflict prevention lies with Member States and their support for early external involvement to defuse disputes and crises. In this regard, the value of a "rule based" approach to prevention was underscored, as it makes efforts to avoid conflicts more effective as well as more acceptable to the international community. This can be helpful in developing a culture of prevention, thereby overcoming the reluctance of some Governments to accept outside help on grounds of sovereignty. In this connection, several speakers emphasized the importance of mobilizing public opinion in support of increased efforts in the field of conflict prevention.

7. The United Nations and regional organizations affirmed their common commitment to developing specific modalities for more effective cooperation in the field of conflict prevention that are practical and implementable. All representatives present placed great emphasis on the need to make this a reality by ensuring practical follow-up to the meeting. While recognizing that no single model of cooperation between the United Nations and regional organizations will cover all eventualities, various possible modalities for cooperation were considered, including: measures for more regular consultation at the Headquarters level, including in the context of early warning; more systematic coordination of preventive activities in the field, including joint missions as appropriate; development of common indicators for early warning; establishment of a database of the conflict prevention capabilities of the United Nations and regional organizations; better flow of information; exchange of liaison officers; visits of staff at the working-level between the different headquarters; joint training of staff in the field of prevention; building specific links to civil society (including

* Circulated under the double symbol A/52/1021-S/1998/785.

the media and professional groups) to increase awareness of the value of prevention; and similar measures to be determined on a case-by-case basis. In this context, the need for mobilizing effective resources for early warning and preventive activities was stressed.

8. One possible means of follow-up would be for working-level meetings of the staff of the United Nations and regional organizations to be convened to develop further the modalities for interaction and collaboration discussed at the meeting. The United Nations will be prepared to convene the first such meeting before the end of 1998. The value of periodic high-level meetings between the United Nations and regional organizations was also recognized, and it was agreed that such meetings should continue to be convened in the future.

9. I very much hope that this summary has captured the essence of our meeting and I would welcome your observations.

DOCUMENT S/1998/795

Letter dated 24 August 1998 from the representatives of the United Kingdom of Great Britain and Northern Ireland and the United States of America to the Secretary-General

[*Original: English*]
[*24 August 1998*]

1. The Governments of the United Kingdom of Great Britain and Northern Ireland and the United States of America are gravely concerned that, almost 10 years after the terrorist bombing of Pan Am flight 103 over Lockerbie, those accused have not yet stood trial. Several years have passed since the Security Council, in resolutions 731 (1992), 748 (1992) and 883 (1993) required the Libyan Arab Jamahiriya to ensure the appearance of the two accused for trial in the appropriate United Kingdom or United States court.

2. Our two Governments consider that it is essential for the promotion of international peace and security that justice is done and is seen to be done before the eyes of the international community in the appropriate Scottish or United States court. Despite the comprehensive assurances given as to the fairness of a trial in these jurisdictions, the report of the independent legal experts appointed by you to look at the Scottish judicial system [*S/1997/991*] and the offer made by the Government of the United Kingdom to accommodate international observers at a Scottish trial, the Libyan Arab Jamahiriya has failed to ensure the appearance of the two accused. Our two Governments reiterate their profound concern at this disregard of the Security Council's demands.

3. Nevertheless, in the interest of resolving this situation in a way which will allow justice to be done, our Governments are prepared, as an exceptional measure, to arrange for the two accused to be tried before a Scottish court sitting in the Netherlands. After close consultation with the Government of the Kingdom of the Netherlands, we are pleased to confirm that the Government of the Netherlands has agreed to facilitate arrangements for such a court. It would be a Scottish court and would follow normal Scots law and procedure in every respect, except for the replacement of the jury by a panel of three Scottish High Court judges. The Scottish rules of evidence and procedure, and all the guarantees of fair trial provided by the law of Scotland, would apply. Arrangements would be made for international observers to attend the trial. Attached is the text of the intended agreement between the Government of the Netherlands and the Government of the United Kingdom (*annex II*).*

4. The two accused will have safe passage from the Libyan Arab Jamahiriya to the Netherlands for the purpose of the trial. While they are in the Netherlands for the purpose of the trial, we shall not seek their transfer to any jurisdiction other than the Scottish court sitting in the Netherlands. If found guilty, the two accused will serve their sentence in the United Kingdom. If acquitted, or in the event of the prosecution being discontinued by any process of law preventing any further trial under Scots law, the two accused will have safe passage back to the Libyan Arab Jamahiriya. Should other offences committed prior to arrival in the Netherlands come to light during the course of the trial, neither of the two accused nor any other person attending the court, including witnesses, will be liable for arrest for such offences while in the Netherlands for the purpose of the trial.

5. The two accused will enjoy the protection afforded by Scottish law. They will be able to choose Scottish solicitors and advocates to represent them at all stages of the proceedings. The proceedings will be interpreted into Arabic in the same way as a trial held in Scotland. The accused will be given proper medical attention. If they wish, they can be visited in custody by the international observers. The trial would of course be held in public, adequate provision being made for the media.

6. Our two Governments are prepared to support a further Security Council resolution for the purposes of the initiative (which would also suspend sanctions upon the appearance of the two accused in the Netherlands for the purpose of trial before the Scottish court) and which would require all States to cooperate to that end. Once that resolution is adopted, the Government of the United Kingdom will legislate to enable a Scottish court to hold a trial in the Netherlands. The necessary United Kingdom legislation has already been prepared and is attached (*annex I*).*

* The file is not reproduced in the present supplement; it may be consulted in the files of the Secretariat.

7. This initiative represents a sincere attempt by the Governments of the United Kingdom and the United States to resolve this issue, and is an approach which has recently been endorsed by others, including the Organization of African Unity, the League of Arab States, the Movement of Non-Aligned States and the Organization of the Islamic Conference [*S/1994/373, S/1995/834, S/1997/35, S/1997/273, S/1997/406 and Add.1, S/1997/497, S/1997/529*]. We are only willing to proceed in this exceptional way on the basis of the terms set out in the present letter (*and its annexes*),* and provided that the Libyan Arab Jamahiriya cooperates fully by:

(*a*) Ensuring the timely appearance of the two accused in the Netherlands for trial before the Scottish court;

(*b*) Ensuring the production of evidence, including the presence of witnesses before the court;

(*c*) Complying fully with all the requirements of the Security Council resolutions.

8. We trust that the Libyan Arab Jamahiriya will respond promptly, positively and unequivocally by ensuring the timely appearance of the two accused in the Netherlands for trial before the Scottish court. If it does not do so, our two Governments reserve the right to propose further sanctions at the time of the next Security Council review. They also reserve the right to withdraw this initiative.

9. We have the honour to request that you convey the text of the present letter and its annexes to the Government of the Libyan Arab Jamahiriya. We would be grateful if you would agree to give the Libyan Arab Jamahiriya any assistance it might require with the physical arrangements for the transfer of the two accused directly to the Netherlands.

10. We request that the present letter be circulated as a document of the Security Council.

(*Signed*) S. J. GOMERSALL
Acting Permanent Representative
of the United Kingdom of Great Britain and
Northern Ireland to the United Nations

(*Signed*) A. Peter BURLEIGH
Acting Permanent Representative
of the United States of America
to the United Nations

DOCUMENT S/1998/796

Report of the Secretary-General on the United Nations Civilian Police Mission in Haiti

[*Original: English*]
[*24 August 1998*]

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1141 (1997) of 28 November 1997, in which the Council requested me to report on the implementation of the mandate of the United Nations Civilian Police Mission in Haiti (MIPONUH) every three months from the date of the adoption of the resolution. The report covers the activities of MIPONUH and developments in the mission area since my report of 28 May 1998 [S/1998/434].

II. POLITICAL SITUATION

2. The institutional crisis in Haiti is now over a year old and efforts to resolve it since my previous report have not yet borne fruit. Following the failure of the nomination of Mr. Hervé Denis as Prime Minister on 15 April 1998, President René Préval opened negotiations with the political parties represented in Parliament in order to reach an agreement on the name and programme of a new Prime Minister, the establishment of a new Provisional Electoral Council (CEP) and the holding of legislative and local elections.

3. The international community has repeatedly voiced its deep concern at the continuing political stalemate. In a démarche to President Préval on 11 June 1998, the Ambassadors of Germany, France and Spain to Haiti conveyed the concern of the European Union at the absence of a Prime Minister, and emphasized that the deadlock continued to impede international assistance to the country. On 16 June, the Friends of the Secretary-General for Haiti, accompanied by my Representative and the Executive Director of the International Civilian Mission in Haiti (MICIVIH), made a similar démarche to President Préval in which they stressed the importance of a settlement to the political crisis. The following day, they reiterated their concern in meetings with the President of the Chamber of Deputies and the President of the Senate.

4. After protracted negotiations, an agreement was reached between President Préval and the Organisation du peuple en lutte (OPL), which is the main party in Parliament. However, the agreement does not extend to all political forces represented in Parliament and territorial assemblies. On 15 July, President Préval nominated the Minister of Education, Mr. Jacques-Edouard Alexis, for the post of Prime Minister. A week later, he dissolved the Electoral Council, following the resignation of the last two of its nine members.

5. In the Chamber of Deputies, the Anti Neo-Liberal Group has declared its opposition to Mr. Alexis on the ground that he is committed to structural adjustment as part of his

economic policy. The Prime Minister designate continues to hold consultations with deputies and senators in order to win ratification and approval of his government programme.

6. Elements of the Lafanmi Lavalas party have questioned the decision to establish a new provisional electoral council, arguing that the 1987 Constitution requires the establishment of a permanent electoral council. However, there is a lack of political support for the formation of a permanent council prior to the next elections, as the representatives who would submit a list of candidates to such a council were voted into office as a result of the contested elections of 6 April 1997. In these conditions, a permanent council would not enjoy the confidence necessary to bring about free and fair elections. It is encouraging to note that, in the last few days, President Préval has initiated the process of discussion with the legislative and judicial branches with a view to the formation of a provisional electoral council.

7. While a number of political forces, including Organisation du peuple en lutte and Lafanmi Lavalas, had indicated that legislative and local elections should take place by the end of the year, as provided by the Electoral Law [*ibid., para. 8*], the prerequisite that there be an operational electoral council has not yet been fulfilled. President Préval has indicated that such elections will have to be postponed until 1999.

8. Various recent developments suggest an increase in underlying tensions in Haiti, which is a cause for concern. The murder on 3 August of a popular priest has been portrayed as a political assassination. A number of people suspected of threatening state security and drug trafficking has been arrested or is being sought by the Haitian National Police amidst rumours of a Duvalierist conspiracy. The National Police has strongly denied accusations levelled against it by Lafanmi Lavalas, which has now publicly distanced itself from the policies of the Government. In addition, the Director of the *police judiciaire* of the Haitian National Police tendered his resignation on 13 August, claiming policy differences. My Representative in Haiti is monitoring the situation and is following closely the continuing investigations by the National Police.

III. Deployment and operations of the United Nations Civilian Police Mission in Haiti

9. It will be recalled that, in establishing MIPONUH, the Security Council decided that the Mission would be composed of up to 300 civilian police officers, including a 90-strong special police unit deployed along with the necessary support personnel, to continue to assist the Government of Haiti by supporting and contributing to the professionalization of the Haitian National Police. On 15 August 1998, the civilian police element of MIPONUH included 284 officers from 11 countries (*see annex*).

10. The substantive police element continues to be deployed in Port-au-Prince and in all nine *départements*, and the special police unit continues to be based in the capital. During the reporting period, MIPONUH continued to focus on training officers at the supervisory level and monitoring the performance of members of the National Police in carrying out their professional duties. In addition, it provided assistance to the Haitian National Police for the renovation of those police stations in the Artibonite and Département du Sud, where a MIPONUH civilian police element is present, and made available on a temporary basis five boats to the National Police force to enhance its patrolling of coastal waters.

11. The Mission continues to coordinate its activities closely with the United Nations Development Programme (UNDP) and bilateral programmes, such as those of Canada, France and the United States of America. It also maintains close collaboration with MICIVIH with a view to increasing the awareness and sensitivity of National Police officers to human rights issues.

IV. Haitian National Police

12. During the period under review, the Haitian National Police continued to make steady progress in maintaining law and order, and there appears to have been a distinct improvement in the relations between its members and the Haitian citizenry. A new Director of Administration was appointed within the Haitian National Police Directorate, a development which should improve the operation of the institution. Since 10 August, a civilian police officer has been working closely with the Director on key administrative matters. However, the resignation of the Director of the *police judiciaire* (*see para. 8 above*) has left vacant a crucial position in the institution.

13. It will be recalled that, in his report of 12 November 1996 [*S/1996/813/Add.1, para. 20*], my predecessor identified several elements to help measure the results achieved by the new National Police force. The Haitian National Police, in coordination with MIPONUH, conducted such a qualitative study in July to examine its performance against these criteria. The study showed that, despite continuing constraints, consistent progress had been made in certain areas and, in particular, that there has been some progress in the important area of "community policing" at the rank-and-file level.

14. On 13 August, a ceremony which was attended by the Director-General and Inspector-General of Police was held at Port-au-Prince to mark the completion of training for 108 prison guards. The arrival of the new guards should alleviate some of the problems in prisons and detention centres. A new group of prison guards has started training.

15. Since my last report, MIPONUH has assisted the National Police in strengthening its capacity to monitor the border area and protect the environment in the south-east of the country by preventing the illegal destruction of the region's forests.

16. The Director-General has recently shared with my Representative his concerns in three areas: the command structure of the police service, the administration of the service and the behaviour of the police in their day-to-day dealings with the public. All these areas will be treated as a priority for training in the next few months. The effectiveness

of the National Police, however, continues to be hampered by financial, material and logistical constraints. The shortage of resources, in particular, vehicles and communications equipment, is especially acute in the more remote areas of the country.

17. The increasing illegal traffic in drugs and vehicles, as well as drug-related crime, pose a major challenge to the Haitian National Police. Despite significant seizures of cocaine, marijuana and heroin, the breaking up of criminal gangs remains a top priority of the force. However, the inadequacies of the judicial system continue to impede its efforts to combat crime, and encourage the population to resort to vigilante justice.

18. Earlier this month, the National Police suffered a setback when a riot erupted in Cabaret following the shooting of a local resident by a policeman. The officers in the town fled when the *sous-commissariat* was ransacked. Order was subsequently restored, but tension prevails in the town.

19. It is a matter of concern that, on occasion, some police officers still use excessive force when making arrests and, generally, act beyond the strict confines of the law. To address this problem, the Inspector-General's office continues to take steps to rid the force of officers whose conduct could bring the entire service into disrepute. It is essential for the credibility of the National Police that such efforts be sustained. In this regard, recent investigations of officers implicated in large-scale drug dealings are worrying, and it is of the utmost importance that this matter be dealt with effectively and transparently by the Inspectorate General and the Directorate General if damage is to be contained.

20. At the end of July, a team of international consultants made a formal evaluation of the UNDP project of technical assistance to the Haitian National Police. While critical in some areas, the report was largely positive. It concluded: "It is true both that the progress made in building up the Haitian National Police over the past three years has been extraordinary but also that the HNP as an institution remains extremely fragile and without further development will collapse". The report also noted that, while the investment of the international community in support of the National Police has proved to be a sound one, it will turn out to be a failure if it is not sustained.

V. Justice system

21. While the law on judicial reform adopted on 7 April 1998 has not yet been promulgated, important steps have been taken in this area.[2] On 6 July, in a meeting at the National Palace, the Preparatory Commission on Legal and Judicial Reform presented its five-year strategic plan for judicial reform which focuses on three main objectives, namely, reinforcing the strategic goals, programmes and services of the Ministry of Justice; strengthening judicial institutions and developing new judicial practices; and increasing the participation of the people and that of civil society in the reform and the administration of justice. In the short term, the Commission plans to concentrate on the following areas: strengthening of the Ministry of Justice, improvement of the courts and tribunals, reform of penal justice, impunity, juvenile offenders, participation of civil society and establishment of follow-up mechanisms. Progress in these all-important areas will be most welcome.

22. During the reporting period, there were two visits to Haiti by individuals involved in the search for justice for victims of the *coup d'état*. At the request of MICIVIH, Supreme Court Magistrate Louis Joinet (France), a United Nations expert on impunity, visited from 8 to 17 July and met the victims of the 1994 Raboteau massacre and their representatives. From 2 to 8 August, a delegation headed by Nobel Peace Prize laureate Adolfo Esquivel (Argentina) visited the country at the request of the Haitian association Fondation 30 Septembre, with the assistance of MICIVIH.

23. Some encouraging initiatives have recently been taken to improve the administration of justice, especially in the area of pre-trial detention. On 17 June, the Bureau de contrôle de la détention préventive was inaugurated at the National Penitentiary in Port-au-Prince with the aim of reducing the high number of pre-trial detainees. In addition, there have been more regular visits of *juges de la paix* to the prisons and closer cooperation between judicial representatives and the Bureau. It is also worth noting that Haiti has recognized the competence of the Inter-American Court of Human Rights.

24. Many of the judges who graduated last May from the École de la Magistrature [*see S/1998/434, para. 23*] have now been posted to tribunals across the country. Preparations for the selection and training of a new class of judges have not yet been initiated. However, on 3 August, a joint training programme on criminal investigations began at the École de la Magistrature for judiciary police and magistrates, with the assistance of MIPONUH and MICIVIH.

25. Both MIPONUH and MICIVIH are concerned by the lack of resources for the Office of the Ombudsman, which was established in November 1997. The financial difficulties faced by the office considerably affect its efforts to fulfil its mandate of protecting citizens against abuses by public authorities. Bearing in mind the need to continue to reinforce Haitian democracy, it is important that the Government, in cooperation with the international community, provide the required resources to allow this institution to carry out its activities effectively.

VI. Development activities

26. The Government of Haiti continues to operate within the economic policy framework of the Shadow Programme agreed with the Bretton Woods institutions, a key element of which is the formulation of a development plan to focus on the most urgent needs of the population through public investment. However, the prolonged political crisis has had negative repercussions on public investment which, in Haiti, is mostly financed from external sources.

27. An appraisal mission of the International Monetary Fund visited Haiti in July 1998 to assess the implementation

of the national budget and start discussions on preparing the budget for next year. According to the mission, some progress has been made in the fight against inflation, which has been reduced from 16 per cent in 1997 to 10 per cent in the first half of 1998. The mission noted, however, that revenue collection has fallen far below target in many important areas.

28. The United Nations development system in Haiti continues to play a key role in supporting development initiatives aimed at helping the poorest sections of the Haitian population through agency-funded programmes in the social and productive sectors. Seven working groups created in May 1998 within the framework of the Secretary-General's reform programme are pursuing their efforts to strengthen the impact of United Nations development activities. In July, the World Bank appointed a new Resident Representative for Haiti, filling a long-standing vacancy.

29. UNDP continues to play an important role in the Haitian transition process, primarily through its continuing country programme activities. In addition to its traditional mandate in the areas of good governance, poverty reduction and environmental protection, UNDP continues to provide support through two projects on capacity-building within the Haitian National Police and prison reform. UNDP also cooperates closely with MICIVIH and donors to promote judicial reform and assist the Human Rights Ombudsman in the discharge of his duties. It should be noted, however, that the vital work of prison reform is likely to be badly hampered by a lack of funds, unless further resources are received by UNDP in the near future.

30. In July 1998, UNDP issued a final report and financial statement on its support to the 1996 and 1997 elections jointly financed through a trust fund by Brazil, Canada, France, Japan, Norway and the United States of America. In view of the current financial constraints of UNDP, which have prompted the Government to seek additional funds to co-finance UNDP-sponsored activities, any support to the future legislative elections will be contingent upon the readiness of bilateral and other donors to make available the required financial resources in a timely manner.

VII. Observations

31. The international community remains deeply concerned that Haiti is still without a Government more than a year after the outset of the current political crisis. Haiti continues to face formidable political and economic challenges, none of which can be met in the absence of a functioning Government. As is widely acknowledged, the continuing political deadlock poses considerable risks to the country's fragile democracy. It is also a serious impediment to economic development and international assistance. I therefore reiterate my appeal to the Haitian authorities and political leaders, especially legislators, to pursue current efforts to resolve the crisis so that a new Prime Minister can be ratified without further delay. The people of Haiti deserve a Government; without it the country's development cannot move forward.

32. It is also of paramount importance that concrete steps be taken to prepare for the next local and legislative elections, including the establishment of a Provisional Electoral Council, and that these elections be free, fair and transparent. The United Nations stands ready to provide international experts to assist the Provisional Electoral Council if requested to do so by the Haitian authorities.

33. Although progress has been made in both the training and performance of the Haitian National Police, the development of an effective police force is a complex and lengthy task and is a fundamental part of the democratic process. In this context, it is now widely accepted that there will be a continuing need for international training of the Haitian National Police to strengthen the capacity of the force and consolidate the gains it has already achieved. During the coming months, therefore, consultations will need to be held with the Haitian authorities regarding the continued role of the international community in training the Haitian National Police in the medium and longer term.

34. I should like to take this opportunity to thank my Representative and Head of MIPONUH, Mr. Julian Harston, and the Police Commissioner, Colonel Claude Grudé, as well as international and local staff of the Mission, for their dedication and efforts in support of United Nations activities in Haiti.

MAP

[*See end of present supplement.*]

ANNEX

Composition of United Nations Civilian Police Mission in Haiti as at 15 August 1998

Country	*Special police unit*	*Substantive element*
Argentina	140	6
Benin		6
Canada		24
France		36
India		3
Mali		19
Niger		5
Senegal		8
Togo		6
Tunisia		1
United States of America		30
Subtotal	**140**	**144**
Total		**284**

DOCUMENT S/1998/803

Letter dated 25 August 1998 from the representative of the Libyan Arab Jamahiriya to the President of the Security Council

[*Original: Arabic*]
[*25 August 1998*]

The Permanent Mission of the Libyan Arab Jamahiriya received the following documents on Monday evening, 24 August 1998:

- Letter from the Acting Permanent Representatives of the United Kingdom of Great Britain and Northern Ireland and the United States of America addressed to the Secretary-General [*see S/1998/795*];
- Agreement between the Governments of the Netherlands and the United Kingdom concerning Scottish legal proceedings in the Netherlands [*ibid.*];
- Proceedings of the Netherlands court, the English version of which we have transmitted to the Ministry of Foreign Affairs and International Cooperation and are having translated into Arabic with a view to submitting it as soon as possible to the competent authorities of the Libyan Arab Jamahiriya for consideration and the appropriate decision.

The Permanent Mission was surprised to learn today that a draft resolution has been presented to the Security Council. Irrespective of the content of that draft, we wish to state the following:

1. The other States which are parties to this dispute took several months to arrive at the formula which was submitted to us yesterday.

2. It took those same States over a month to negotiate and agree on a formula with the Netherlands authorities.

3. This formula was worked out by legal experts of those States.

In recalling these facts, we wish to reiterate to the Council the following:

1. Libya is anxious to arrive at a settlement of this dispute and to turn over a new page in its relations with the States concerned.

2. Libya's judicial authorities need to have sufficient time to study those documents and to request the assistance of international experts more familiar with the laws of the States mentioned in the documents.

3. We are absolutely convinced that the Secretary-General, Mr. Kofi Annan, must be given sufficient time to achieve what the Security Council has asked of him, so that any issue or difficulty that might delay the desired settlement can be resolved.

As a result, we request the following:

That a decision on the draft resolution presented to the Security Council be postponed until Libya's judicial authorities have completed their study of the above-mentioned documents and until the Secretary-General has played the role entrusted to him, in order to arrive at practical solutions that can be applied by the different parties, thereby ensuring that the two suspects appear in court in a neutral third country as soon as possible.

In this connection, Libya reiterates its consistent, documented positions to you, the purpose of this request being to confirm that Libya seriously wishes to arrive at a solution and to resolve any complication that might arise.

I should be grateful if you would have the text of this letter distributed as a document of the Security Council.

(*Signed*) Ramadan A. BARG
Chargé d'affaires a.i.
of the Permanent Mission
of the Libyan Arab Jamahiriya
to the United Nations

DOCUMENT S/1998/808

Letter dated 26 August 1998 from the representative of the Libyan Arab Jamahiriya to the President of the Security Council

[*Original: Arabic*]
[*26 August 1998*]

I have the honour to transmit to you herewith the text of the communiqué issued on 26 August 1998 by the General People's Committee for Foreign Affairs and International Cooperation of the Libyan Arab Jamahiriya, containing the response of the Libyan Arab Jamahiriya to the joint letter dated 24 August 1998 from the Governments of the United Kingdom and the United States of America addressed to the Secretary-General.

I should be grateful if you would have the text of this letter and its annex distributed to the members of the Security Council and as a document of the Council.

(*Signed*) Ramadan A. BARG
Chargé d'affaires a.i.
of the Permanent Mission of the
Libyan Arab Jamahiriya
to the United Nations

ANNEX

Communiqué issued by the General People's Committee for Foreign Affairs and International Cooperation

26 August 1998

The General People's Committee for Foreign Affairs and International Cooperation has read the joint letter dated 24 August 1998 from the Governments of the United Kingdom and the United States of America addressed to the Secretary-General concerning the two Governments' consent to the trial in a neutral third country of the two individuals suspected of involvement in the explosion of Pan Am flight 103 over Lockerbie. In this connection, the Committee would like to recall the human and material losses and the sufferings endured by the Libyan people, for no valid reason, as a result of the unfair sanctions imposed on it for seven years now because of the refusal to accept positive initiatives like this one, which were proposed by the Great Jamahiriya in an attempt to find a peaceful solution that would satisfy all the parties and guarantee the suspects a fair and impartial trial and which were welcomed and supported by international and regional organizations and by countries friendly to Libya, to whom we express our gratitude for their solidarity with the Libyan people and for their efforts to arrive at this solution which guarantees justice for the suspects and for the victims' families. The 27 February 1998 judgment of the International Court of Justice also confirmed the validity of the Great Jamahiriya's positions and the inadmissibility of sanctions. The Committee regrets that so many years had to pass before this solution, supported by every international organization, was finally accepted, just as it regrets the scant regard shown for the wishes of the international community and of the International Court of Justice.

In stating its acceptance of this evolution in the position of the Governments of the United Kingdom and the United States of America, an evolution which it has demanded constantly, the General People's Committee for Foreign Affairs and International Cooperation emphasizes the need to end the sanctions imposed under Security Council resolutions 748 (1992) and 883 (1993).

The General People's Committee for Foreign Affairs and International Cooperation hopes that the Governments of the United Kingdom and the United States of America seriously want to finally settle this issue, and to do so honestly and not out of necessity. The whole world can be sure of this if the procedure is free of any conditions by which the United Kingdom and United States Governments might obstruct the trial's progress.

The General People's Committee for Foreign Affairs and International Cooperation wishes to reiterate that it will give positive consideration to the proposed measure and accord it all due importance and care.

DOCUMENT S/1998/823

Report of the Secretary-General pursuant to paragraph 10 of Security Council resolution 1153 (1998)

[*Original: English*]
[*1 September 1998*]

I. Introduction

1. The present report is submitted pursuant to paragraph 10 of resolution 1153 (1998) of 20 February 1998, in which the Security Council requested the Secretary-General to submit an interim report 90 days after entry into force of paragraph 1 of the resolution, on the basis of observation by United Nations personnel in Iraq and consultations with the Government of Iraq, on whether Iraq had ensured the equitable distribution of medicine, health supplies, foodstuffs, and materials and supplies for essential civilian needs. In accordance with paragraph 5 of resolution 1153 (1998), the enhanced distribution plan was submitted by the Government of Iraq on 27 May 1998. The Secretary-General approved it on 29 May 1998, and a new 180-day period commenced at 0001 hours eastern standard time on 30 May 1998. The present report provides information up to 31 July 1998 on the distribution of humanitarian supplies throughout Iraq, including the implementation of the United Nations Inter-Agency Humanitarian Programme in the three northern governorates of Dahuk, Erbil and Sulaymaniyah. The delivery and distribution of inputs under resolutions 986 (1995), 1111 (1997) and 1143 (1997) continue. The present report describes developments in the implementation of the programme since the previous report [*S/1998/477*] and reviews the impact of the programme as a whole. The first approval of supplies under resolution 1153 (1998) took place in June 1998.

II. Revenue generation, procurement and distribution to end-users

A. *Oil production and sale of petroleum and petroleum products*

2. Since the beginning of the current phase, the oil overseers and the Security Council Committee established by resolution 661 (1990) have reviewed and approved a total of 46 contracts involving purchasers from 19 countries. The total quantity of oil approved for export under those contracts corresponds to approximately 295 million barrels for 180 days – the highest amount since the beginning of the programme. It should be noted that the average quantity of oil exported from Iraq has increased from 1.44 million barrels per day during the previous 90-day period, to 1.7 million barrels per day during the current reporting period. Concurrently, during this phase, oil prices for Iraqi crude have decreased to less than $10 per barrel. At current prices, total revenue projected for this phase is estimated at $2.86 billion. After the deduction of the minimum pipeline fee of $140 million, and the allocation of revenue as set out in paragraphs 8 (*a*) through (*f*) of resolution 986 (1995), an amount of approximately $1.79 billion would be available to finance the humanitarian supplies authorized in resolution 1153 (1998) and the oil spare parts and equipment authorized in resolution 1175 (1998). This amount falls far short of the funds required to implement fully the enhanced distribution

plan, namely, $3.1 billion. Under each of the previous three phases, $1.32 billion were made available for the humanitarian programme. It may be recalled that in my letter dated 15 April 1998 [*S/1998/330*], I had indicated that according to the group of experts established pursuant to paragraph 12 of resolution 1153 (1998), should the current average price of $10.50 per barrel for Iraqi crude oil remain unchanged, based on the existing capacity of 1.6 million barrels per day, revenues in the amount of only $3 billion could be achieved during a 180-day period, starting in June 1998, provided the spare parts required were ordered immediately.

3. As at 31 July 1998, the export of petroleum from Iraq under the current phase was proceeding smoothly. Seventy-one liftings, totalling 90 million barrels at an estimated value of $843 million, have been completed. About 52 per cent of the loadings have been made at Ceyhan, Turkey.

4. The oil overseers have continued to advise and assist the Security Council Committee on the pricing mechanism, contract approvals and their modifications, and other questions related to exports and monitoring under resolution 986 (1995) and all subsequent relevant resolutions. The overseers and the independent oil inspection agents, Saybolt Nederland BV, deployed to observe oil loadings and transfers, have also worked closely together to monitor the relevant oil installations.

B. *United Nations Iraq Account*

5. The United Nations Iraq Account is divided into seven separate funds pursuant to paragraphs 8 (*a*) to (*g*) of Security Council resolution 986 (1995). As at 31 July 1998, of the $5.256 billion authorized under resolution 1153 (1998) for the 180-day period starting 30 May 1998 (phase IV), $388.9 million had been deposited into the account for this period, bringing the total oil proceeds deposited to the Account since inception to $6,748.5 million. Annex I shows the allocation of the total oil among the various funds and the corresponding expenditures to date.

6. In accordance with paragraph 14 of the Memorandum of Understanding between the United Nations and the Government of Iraq [*see S/1996/356*], the United Nations Board of Auditors is currently finalizing its second report on the United Nations Iraq Account and the Iraq Programme. The first report of the Board of Auditors, covering the period 10 December 1996 to 30 June 1997, was submitted to me on 8 June 1998, and forwarded to the Government of Iraq and the Security Council Committee on 12 June 1998.

7. In its first report, the Board of Auditors expressed appreciation that the operations of the Iraq Programme had been reorganized under a single command. The Office of the Iraq Programme, as well as other departments and offices concerned, are taking the necessary action to implement the recommendations of the Board of Auditors.

C. *Prioritization, processing and approval of applications, delivery to Iraq and distribution to end-users*

8. During the reporting period, the Office of the Iraq Programme processed applications for both phase III and the current phase under the enhanced distribution plan. Simplified procedures for approving applications for foodstuffs were set out by the Security Council Committee in its report of 17 April 1998 [*S/1998/336, appendix*], whereby a pricing mechanism for the procurement of foodstuffs listed in the annexes to the distribution plan was to be submitted by the Government of Iraq for review by the Committee. Such a pricing mechanism has not yet been submitted by the Government of Iraq, and the simplified procedures have therefore not been implemented.

9. The current status of phase III and enhanced distribution plan applications received as at 31 July 1998, is presented in the table in annex III. In accordance with the Committee's procedures, the Office of the Iraq Programme continued to circulate for its consideration and approval applications in advance of the availability of funds, on the understanding that approval letters would be released by the Secretariat only after confirmation that sufficient funds were available. For phase III, 52 approval letters valued at $90,664,285 were awaiting the availability of funds. The rate at which these letters can be issued depends mainly on reimbursements from the ESC (13 per cent) account to the ESB (53 per cent) account. For the enhanced distribution plan, 50 approval letters valued at $222,954,202 were awaiting issuance. This was due primarily to revenue shortfalls resulting from low oil prices.

10. Within the framework of the priorities established under the enhanced distribution plan, contracts for oil spare parts and equipment have been processed on a first-come, first-served basis. Special accounting and banking procedures for financing approved contracts on a proportionate basis from the ESB (53 per cent) and ESC (13 per cent) accounts, as directed by the Security Council Committee, have been developed and implemented. A separate database and tracking system have been established to monitor the processing of applications, authentication of arrival of spare parts and equipment in Iraq, and onward observation of their storage, installation and end-use. There were significant initial delays in the circulation of many *contracts*, mainly owing to discrepancies between quantities and prices of items listed in the enhanced distribution plan and the applications received. As at 31 July 1998, 34 applications for oil spare parts and equipment had been received by the Secretariat, of which nine had been circulated to the Committee, with three approved and one on hold. Of the 25 contracts not circulated, 24 were returned to submitting missions for clarifications related primarily to pricing or to quantities as set out in the enhanced distribution plan; one was still under review by a customs expert. Applications have been arriving in good time, and the inclusion by the Government of Iraq of direct reference in more recent contracts to the applicable codes and item descriptions in the enhanced distribution plan has facilitated the processing of those applications. With the increased number of customs experts and corresponding support staff, as well as increased consultation with Saybolt Nederland BV, the rate of processing and submission of contracts for oil spare parts and equipment to the Committee for approval has improved.

11. With respect to the ESC (13 per cent) account, 273 phase III applications had been submitted as at 31 July 1998,

of which 265 were approved. Thirty-three enhanced distribution plan applications had been submitted, with 30 approved and 3 pending. As the number of amendments to applications submitted by United Nations agencies and programmes remains high, the attention of agencies and programmes is drawn to paragraph 56 of my report of 1 February 1998 [*S/1998/90*], in which they were urged to submit applications once the details of contracts were worked out in order to avoid delays caused by such amendments.

12. The Office of the Iraq Programme is in the process of establishing a comprehensive integrated information system to improve and expedite the provision of authoritative information on the progress of applications from contracting through distribution, and on the implementation of the programme as a whole, pursuant to my directive contained in paragraph 53 (*h*) of my report of 1 February 1998 [*ibid.*].

III. Observation and monitoring activities

A. *Inspection and authentication of humanitarian supplies*

13. The United Nations independent inspection agents, Lloyd's Register, continue to authenticate the arrival of humanitarian supplies at the entry points in Al-Walid, Trebil, Umm Qasr and Zakho. The number of Lloyd's Register inspectors has been increased from 42 to 54 to ensure inspection and authentication services for the expected increase in imports of humanitarian supplies, as provided for under the enhanced distribution plan, and in response to paragraph 53 (*j*) of my report of 1 February 1998 [*ibid.*], in which I directed the Office of the Iraq Programme to enhance the capacity of the independent inspection agents to authenticate and provide quality control of the commodity flows expeditiously; to ensure that they report to the Office of the Iraq Programme and to the United Nations Office of the Humanitarian Coordinator in Iraq the authentication of the arrival of supplies within 24 hours; and to enhance their capacity to perform quality tests within the shortest period technically feasible, as well as to perform quality tests inside Iraq. To this end, the new contract with Lloyd's Register also provides for a mobile laboratory. Discussions between the Office of the Iraq Programme and the Government of Iraq are under way to determine where the mobile laboratory will be located. Under the enhanced distribution plan, Lloyd's Register will also authenticate the arrival of humanitarian supplies procured under the United Nations Inter-Agency Humanitarian Programme for the three governorates of Dahuk, Erbil and Sulaymaniyah.

B. *Monitoring of oil spare parts and equipment*

14. In its resolution 1175 (1998) of 19 June 1998, the Council authorized States to permit the export to Iraq of the necessary parts and equipment to enable Iraq to increase the export of petroleum and petroleum products in quantities sufficient to produce the sum established in paragraph 2 of resolution 1153 (1998), and requested the Security Council Committee, or a panel of experts appointed by the Committee, to approve contracts and equipment according to lists of parts and equipment approved by the Committee for each individual project.

15. During the reporting period, after consultations with the Committee and the Government of Iraq, a monitoring mechanism was established in Iraq by the Office of the Iraq Programme, utilizing the expertise provided by Saybolt Nederland BV, and in conjunction with Lloyd's Register, to ensure effective monitoring of oil spare parts and equipment, from approval to delivery in Iraq, as well as storage and utilization. The monitoring mechanism was finalized in July 1998, and a report was submitted to the Committee by the Office of the Iraq Programme on 28 July 1998.

16. Three central storage sites were established, one in the area of Kirkuk, one in Basrah and a smaller facility in Baghdad. The monitoring team consists of three members, including the chief of the team, based in Baghdad, with frequent visits to the storage sites to ensure appropriate implementation. The Government of Iraq has provided accommodations and office space for the monitors and has given assurances of full cooperation and full and free access to all facilities as required by the monitors to fulfil their task. As at 31 July 1998, the only spare parts and equipment that had arrived in Iraq were supplied under a contract approved by the Security Council Committee during phase III. They were placed into storage in the Kirkuk facility, to be utilized for the Kirkuk–Yumurtalik pipeline.

C. *United Nations observation mechanism*

17. In order to increase the coherence of observation activities conducted under resolution 986 (1995), sectoral, geographical and multidisciplinary observers began to implement a forward-looking quarterly observation plan, starting with the period from June to August 1998. Implementation of this plan has reduced the need for multiple visits in the food, health and education sectors. With respect to electricity and agriculture, the degree of specialist expertise needed for effective observation and assessment has required a more narrow focus for the Geographical Observation Unit. Training has been provided by both the sectoral agencies and the Multidisciplinary Observation Unit, and observation has been initiated in all sectors. To meet the requirement for greater coverage and technical expertise, available posts will increasingly be filled by specialists.

18. In the food sector, World Food Programme (WFP) international observers track commodities at the warehouse level, and national staff in each governorate conduct spot checks at food agents and households under the supervision of international staff. WFP observers visit all warehouses and silos weekly and all mills monthly. A random sampling methodology has been adopted, and, to date, about 80 per cent of all food agents have been visited at least once. Because sampling has been based on population density, food agents serving less populated areas receive less attention. WFP is considering ways to ensure that the

remaining 20 per cent is covered by December 1998. The Geographical Observation Unit has reviewed the efficiency and cost of transportation, the effect of power cuts on flour processing and distribution, and the accuracy of receipts and disbursement records. Regular tracking of food commodities has been assigned to WFP.

19. In the health sector, the World Health Organization (WHO) has tracked a wide variety of drugs and supplies and has focused on drug supply and distribution, the quality of drug management and the utilization and dosage forms of selected drugs. The Geographical Observation Unit has assessed the extent of transportation problems, the extent and effectiveness of the cold chain, the timeliness of arrivals, the quality control process for selected items, distribution to governorate warehouses and end-user facilities, and the efficiency of distribution to private pharmacies. In the next observation plan, WHO intends to provide more in-depth analysis of the adequacy and effectiveness of health services, so as to encourage improved prescription practices.

20. In the water and sanitation sector, United Nations Children's Fund (UNICEF) observers have maintained complete tracking of chlorine supplies. A productive division of labour has been agreed on with the Geographical Observation Unit so that the central warehouses and 50 per cent of the water treatment plants in all 15 governorates in the centre and south of Iraq can be covered every four rather than every seven weeks. A standardized set of indicators has been developed to quantify plant performance before and after installation of equipment supplied under resolution 986 (1995). In order to utilize the greatly increased allocation in the enhanced distribution plan, a much more thorough understanding of the state of the whole network is required, including the requirements of individual plants. It is expected that a UNICEF survey will start within the next three months.

21. In the agricultural sector, observation by the Food and Agriculture Organization of the United Nations (FAO) has concentrated on tracking the distribution of inputs. FAO, in collaboration with the Geographical Observation Unit, assessed the equitability and adequacy of agrochemicals, and, in collaboration with the Geographical and Multidisciplinary Observation Units, spare parts for tractors and combine harvesters. Local staff, supervised or accompanied by international observers where appropriate, have made a valuable contribution to the collection of data required by the programme. The Multidisciplinary Observation Unit has continued to focus on the distribution and adequacy of agricultural inputs, the rational prescription of veterinary drugs and vaccines, and the connection between animal and human disease.

22. In the electricity sector, United Nations Development Programme (UNDP) international observers and national assistants cover all 15 governorates of the centre and south of Iraq every two months. Goods have been checked against their specifications from waybills and purchase orders. The UNDP staffing level is sufficient for observing the current level of phase I arrivals. As phase II and III deliveries increase, so will the observation capacity of UNDP. Although the Ministry of Industry expressed initial reservations about the quarterly (three-month) observation plan, routine observation of this sector has proceeded smoothly in practice, with few delays. All equipment subject to tracking and observation was found to be in storage or installed at the relevant warehouse or project site.

23. In the education sector, fewer observations were conducted at schools during the reporting period because these are only open for a limited time on Tuesdays and Saturdays during the summer vacation. The slow distribution of supplies from governorate warehouses to schools has also limited observation at the end-user level. The observation capacity of the United Nations Educational, Scientific and Cultural Organization (UNESCO) has not been adequate in the past owing to a failure to deploy staff. When the planned deployment of staff takes place, UNESCO will be able to pay more attention to schools in remote areas. UNICEF observation teams cover warehouses and schools throughout the 15 governorates of the centre and south of Iraq over a seven-week cycle.

IV. Programme implementation: effectiveness, equitability and adequacy

A. *Implementation of the programme in the centre and south of Iraq*

Food and nutrition

24. As at 31 July 1998, foodstuffs valued at $2,045,202,559 or 78 per cent of the allocation under phases I to III, had been delivered to end-users in the centre and south of Iraq (*see annex VI.A for further details*). About 75 per cent of the enhanced distribution plan allocation had been contracted by the Ministry of Trade. Stocks are sufficient for distribution at the level established for phases I to III during September and October 1998. Although the contract processing rate of the Security Council Committee has improved considerably, the Ministry of Trade did not expect to be able to implement the enhanced basket (with a caloric value of 2,300 kilocalories per person per day) before October 1998, since delivery rates had not improved. The Ministry has stated two main reasons for this: continuing problems in the handling of letters of credit and, over phases I to III, about $161 million awaiting transfer from the ESC (13 per cent) to the ESB (53 per cent) account under the bulk purchasing arrangement. This has prevented authorized food contracts from being funded in an efficient manner. During the reporting period, none of the monthly food baskets delivered was complete, but the Government of Iraq supplemented some of the shortfalls from its stocks. The ration of pulses was reduced from 1.5 kilograms per month to 1 kilogram per month. As a result of the below-target food rations, the average caloric value of the basket was only 95 per cent of the previous target under phases I to III, namely, 2,030 kilocalories per person per day. Losses from entry point to warehouses were limited to 0.05 per cent, and intergovernorate transfers to compensate for shortages amounted to only 3 per cent of the total volume of goods distributed. Flour mills now produce more refined flour because of the

preference for white bread. Unfortunately, this will have an adverse nutritional impact, as most of the necessary vitamin B and minerals are provided in the bran, which is discarded. Although the nutritional supplies provided under the enhanced distribution plan have yet to reach Iraq, the Ministry of Health is reviewing the effectiveness of existing distribution arrangements.

Health

25. As at 31 July 1998, medicine valued at $313,440,420, had arrived in the centre and south of Iraq, of which $98,533,794, or 16 per cent of allocations under phases I to III, has been delivered to end-users (*see annex VI.C for further details*). The low delivery rate to end-users is due to delays in quality testing, the retention of stocks for emergency needs, time required for drawing up allocation plans for newly arrived supplies, inadequate information on actual requirements of end-users, poor communications between health facilities and warehouses, and shortage of transport, labour, materials and funding to install equipment. The Iraqi State Company for Importation of Drugs and Medical Supplies (Kimadia) and WHO are considering a range of initiatives to reduce bottlenecks at various stages of distribution. The contract approval process for the health sector has seen a marked improvement. Whereas about 80 per cent of phase II contracts were signed only during the last two months of the phase, phase III contracting was spread throughout the whole period, and goods have begun to arrive. Only five applications remain on hold under phase III. As at 31 July 1998, Kimadia had concluded 50 contracts, representing about 16 per cent of the allocation under the enhanced distribution plan. It is expected that 80 per cent of the contracting process will be completed by the end of September 1998. Although this should lead to an improved flow of supplies, the major constraint remains the performance of suppliers. With an increasing volume and range of medical supplies reaching Iraq, the Ministry of Health is attempting to increase the flow of supplies by automatic distribution of 75 per cent of supplies, but retaining, where supply levels permit, a 25 per cent stock to respond to subsequent demand from governorates.

26. Nevertheless, with the arrival of more than half of phase II supplies, the quantities in stock and the range of drugs available have increased significantly. Tracking has shown that, with very few exceptions, equitable distribution of available drugs to governorates has been assured, and that, within governorates, national guidelines have, by and large, been adhered to in deciding final allocations to individual health facilities. Public health facilities continue to receive a greater share of deliveries than the private sector. This is reflected in increased attendance at public health clinics, many of which received supplies under resolution 986 (1995) for the first time during the reporting period. Priority continues to be given to ensuring, where possible, full treatment to hospital inpatients, whereas drugs are still rationed to outpatients. The Ministry of Health is introducing a drug card scheme to restrict the tendency towards over-consumption of drugs by limiting the number of prescriptions available from pharmacies per month, though this does not apply to pharmacies within hospitals. WHO is promoting better prescription practices so that doctors are made aware of the importance of rigorous treatment protocols. It is easier to see the impact of supplies at the point of end-use rather than on the health system as a whole.

Water and sanitation

27. As at 31 July 1998, chemicals, supplies and equipment for water and sanitation valued at $30,164,882 had arrived in the centre and south of Iraq, of which $11,589,478, or some 16 per cent of allocations under phases I to III, have been delivered to end-users (*see annex VI.E for further details*). The low delivery rate is due to critical shortages of staff, materials and funding for the installation of equipment and the lack of complementary inputs. The equipment remains in storage while allocation plans are being revised. In the water and sanitation sector, there has been a reduction in contract approval time, and the rate at which commodities are arriving has continued to improve. Difficulties have been encountered when supplies were not in conformity with specifications or were missing accessories needed to make them operational. This reflected an insufficient match between individual plant requirements and equipment ordered, and the lapse of time since original procurement decisions. The rate of distribution from the central warehouse to water treatment plants has varied according to the project, as the water authorities await the necessary implementation budgets and staff to undertake the substantial installation and commissioning involved. Therefore, the full benefit of inputs delivered to date has not yet been felt.

28. Although there is an extreme shortage of supplies and spare parts for many plants, the arrival of inputs under the programme provided for under resolution 986 (1995) has led to improvements. Preliminary estimates suggest that the capacity of treatment plants has been improved, but to achieve further improvements in operational capacity, many plants require major repairs. With many plants working at or near maximum capacity, the risk of further breakdowns is high. It appears that the most positive impact has been in the provision of treatment chemicals. A pilot survey of water quality and health indicators in selected districts in Baghdad showed lower bacteriological contamination of water supplies and fewer cases of amoebic dysentery, giardiasis and diarrhoea in health facilities. The improved water test results is related to chlorination levels. Test results from the other governorates also indicate improvements, although water supply remains restricted. Except in very localized instances, it is possible to indicate trends but not to measure exact impact. It is difficult to distinguish the impact of commodities supplied under resolution 986 (1995) from those supplied by the water authorities and non-governmental organizations. It is questionable whether inputs alone will be sufficient to offset the limitations of system design, the wastage of water by consumers, which contributes to insufficient pressure in the network, or the continuing decay of the system as a

whole. One area of continuing concern is the sanitation sector, where insufficient equipment and supplies for sewage treatment plants were provided under phase I. While sanitation tankers for emptying septic tanks, jetting equipment to clean clogged sewers and sewage pumps have been delivered and are in use, sewage treatment plants are functioning at such a low level that major investment is required before any reduction in sanitation-related disease is likely.

Agriculture

29. As at 31 July 1998, agriculture inputs valued at $25,454,451, had arrived in the centre and south of Iraq, of which $15,953,324, or 22 per cent of allocations under phases I to III, have been delivered to end-users (*see annex VI.G for further details*). The low distribution rate is due to the fact that many inputs are tied to seasonal requirements and to slow allocation to end-users. Measures have now been taken to improve forward planning. In the agricultural sector, aerial crop spraying using pesticides supplied under resolution 986 (1995) is estimated to have saved at least 30 per cent of the cereal harvest and 35 per cent of the date harvest since April 1998. Infestation has been fully controlled in treated sugarcane fields. FAO states that it has ensured 100 per cent control over dual-use helicopter spare parts. Some agro-chemicals released to end-users during the current cropping season were in storage for several months because they were delivered too late for the spraying season. FAO attributes delays in distributing veterinary drugs to shortages of chemical reagents and equipment for quality control testing, delayed pricing of inputs, and the intermittent arrival of inputs, making it uneconomical to distribute small quantities. At the governorate level, all state agricultural services face problems with transportation and laboratory and treatment equipment and facilities. The Government has sought to safeguard the effective use of supplies by deterring farmers from selling the inputs they receive, which are attractive since they are cheaper and of better quality than similar commodities available on the local market. Farmers' individual requirements are reviewed by the relevant authorities before authorization to purchase supplies is given. Actual distribution equalled 90 per cent of provisional allocation plans. As in the health sector, it is inevitable that some specialist equipment and supplies will only be utilized effectively by specific facilities. One instance of such a facility in private ownership receiving an apparently disproportionate allocation of poultry vaccine has been observed. Its justification by the Ministry of Agriculture has been noted and is subject to further observation.

30. Any impact assessment is rendered difficult by the nature of the production processes involved. In the agricultural sector, the impact of inputs provided under resolution 986 (1995) is affected by climate, disease or pest prevalence and the efficiency of state extension services. Use of other inputs, of varying quality, is an additional critical factor, which should be known when estimating the relevance and significance of particular supplies. Although the size of the agricultural machinery and vehicle fleet is known with some accuracy, data for other sectors are less satisfactory, notably with respect to livestock population or productivity. For example, animal population figures included in the phase I distribution plan are a projection based on a 1986 census. A repair cost ratio calculation suggests that spare parts for tractors and combine harvesters meet just under 20 per cent of the requirement, slightly above the overall adequacy rating of 13 per cent for other types of spare parts. The agricultural spraying helicopters have now completed 1,500 hours of flying time since their last overhaul, and the provision of spare parts is no longer sufficient to maintain the airworthiness of those aircraft. In fact, no further aerial crop spraying can take place until they are either overhauled by the manufacturer or replaced. United Nations experts are still reviewing the effectiveness of a wide range of procurement and prescription decisions in the veterinary subsector. The Ministry of Agriculture also relies on imports and indigenous production of veterinary supplies outside the framework of resolution 986 (1995), although FAO is not in a position to assess the volume or adequacy.

Electricity

31. As at 31 July 1998, electricity equipment valued at $25,950,000, had arrived in the centre and south of Iraq, of which $23,550,000, or 22 per cent of allocations under phases I to III, have been delivered to end-users (*see annex VI.F for further details*). In comparison to other sectors, the slower rate of arrivals reflects the nature of the equipment and materials procured. However, the efficient distribution of goods on arrival is notable. In the electricity sector, the pace of arrival of goods has increased during the reporting period. Over the next three months it is expected that all phase I supplies, half of phase II and just under a third of phase III supplies will have reached Iraq. Because of the site-specific nature of most power station equipment, equity cannot be based on distribution. Set percentage allocations determine the share of the four electricity distribution authorities in the 15 governorates of the centre and south of Iraq.

32. It is possible to measure the impact of commodities on specific units, but not on the system as a whole. For example, the output of generation units at Baiji power station has increased through the provision of special steel baskets, and the number of shutdowns has been reduced. However, with demand far outstripping supply during the summer months, no benefit is felt by the consumer. The change of circuit breakers in electrical substations leads to more reliable, but not greater, power supply. When power cuts occur, as they have to an unprecedented extent in recent months, it is not possible to determine, without access to system-wide data, whether this was due to planned load-shedding or the failure of transformers. Information on this subject is awaited from the relevant authorities in Iraq.

Education

33. As at 31 July 1998, education supplies valued at $14,896,863, had arrived in the centre and south of Iraq, of which $5,262,735, or 15 per cent of allocations under phases

I to III, have been delivered to end-users (*see annex VI.H for further details*). The slow rate of distribution is related to lack of complementary inputs, shortage of staff, materials and funding, erratic arrivals hindering efficient planning, manifestly inadequate transport and the need to undertake most substantial infrastructure repairs during the school holidays. In the education sector, there has been a reduction in the time taken to approve contracts over phases I to III, and the rate at which commodities arrive continues to improve. However, lack of complementary items has delayed the full utilization of materials already delivered. The Ministry of Education printing press, for production of all primary and secondary education school books in Arabic, has not been able to resume operations because an application for control computers and desktop publishing software is on hold in the Security Council Committee. Suppliers have also failed to deliver according to specification a range of school rehabilitation materials. Distribution of supplies to governorates has been slow mainly because of an extreme lack of transport, which the Ministry of Education has started addressing in phase III, and because of concern about theft of building supplies from schools. The Ministry started major rehabilitation at the end of school exams in June 1998. School supplies and teaching aids have been distributed, and allocations have been spread among as many schools as possible. A major impediment to speedy rehabilitation has been the lack of funds for local labour and materials. Governorate education officials recently indicated that the Ministry had allocated 250,000 Iraqi dinars per school to fund implementation costs. Unless the Ministry of Education is more successful in borrowing transport from other ministries and manages to provide additional funding, as it has offered, it seems unlikely that substantial progress will be made in time for the start of the new school year in September 1998.

B. *Programme implementation in Dahuk, Erbil and Sulaymaniyah*

Food and nutrition

34. As at 31 July 1998, foodstuffs and related items valued at $261,087,542, or 71 per cent of allocations under phases I to III, have been delivered to end-users (*see annex VI.A for further details*). During the reporting period, WFP continued to distribute some 52,000 tons of food and related items monthly. The ration made available was the same as in the 15 governorates of the centre and south of Iraq. In order to ensure the equitable distribution of the food ration, WFP has continued to assist the local authorities to issue ration cards. WFP also checks the accuracy of registration data in the three governorates of Dahuk, Erbil and Sulaymaniyah over a six-week period. Double registration, exacerbated by the continuing movement of population, primarily between Erbil and Sulaymaniyah, has remained a problem. Using regularly updated screening, WFP has identified some 126,000 cases since the inception of the programme. Since January 1998, some 11,117 individuals, including 2,300 during the reporting period, have been relocated.

35. As at 31 July 1998, therapeutic milk, supplementary foodstuffs and related items for the nutrition sector, valued at $15,679,731, had arrived in the three governorates of Dahuk, Erbil and Sulaymaniyah, of which $14,737,452, or 59 per cent of the allocations under phases I to III, have been delivered to end-users (*see annex VI.B for further details*). According to UNICEF, its latest nutrition survey showed that the incidence of acute malnutrition requiring hospitalization has fallen to below 3 per cent of children under five years old. UNICEF provides therapeutic milk and high protein biscuits for such children. WFP has focused on providing supplementary foodstuffs to families with malnourished children as an incentive to safeguard their consumption of special nutritional supplements. Problems encountered earlier this year with uncoordinated supply of milk and supplementary foodstuffs have been resolved. UNICEF is also working to train staff in 172 health centres which have received anthropometric equipment. UNICEF has pointed out that chronic malnutrition, which affects an estimated 25 per cent of the population of children under five years old, is not directly reversible by supplementary feeding alone. It is a function of poor feeding practices by parents, limited access to basic preventive health care, shortage of safe drinking water, poor sanitation and illiteracy. Better coordination is required by the Inter-Agency Humanitarian Programme to improve the nutritional status of those most at risk.

Health

36. As at 31 July 1998, medicine and ambulances, valued at $21,114,650, had arrived in the three governorates, of which $15,656,244, or 20 per cent of allocations under phases I to III, have been delivered to end-users (*see annex VI.C for further details*). As at 31 July 1998, medical equipment valued at $12,775,921, had arrived in the three governorates, of which, $11,539,475, or 38 per cent, of allocations under phases I to III, have been delivered to hospitals (*see annex VI.D for further details*). WHO receives and distributes medicines and medical supplies procured under the bulk purchase arrangement with the Government of Iraq. Low handling capacity in Kimadia's warehouses contributed to the fact that only 27 per cent of commodities received have been distributed to governorates. In general, there is a good flow of drugs. Health authorities have complained that they lack information from Kimadia on the release of drugs after quality tests in Baghdad, but WHO notes that this would be accessible through more effective use of the WHO Microdrug database. WHO also procures medical equipment and health infrastructure supplies. Equipment trans-shipped through Turkey has been subject to an average delay of three months. WHO is rehabilitating nursing and midwifery schools and water quality control laboratories so as to provide a suitable environment for test equipment already received.

37. The improved flow of drugs is restoring the credibility of the health-care system. Consequently, most facilities are witnessing a dramatic increase in the number of patients. Some families have been reported to sell their prescription

medications, although the extent of this abuse is unknown. WHO is seeking to educate practitioners in better drug management and prescription practices. Despite the greater availability of drugs, the incidence of infectious and parasitic disease appears to be increasing. The absence of an effective epidemiological surveillance system makes it difficult to identify and monitor high-risk populations and areas, and disease trends, or to measure the impact of the humanitarian initiatives carried out under Council resolution 986 (1995).

Water and sanitation

38. As at 31 July 1998, chemicals, supplies and equipment valued at $20,068,561 had arrived in the three governorates, of which $15,911,870 (cash component included), or 26 per cent of the allocations under phases I to III, have been delivered to end-users (*see annex VI.E for further details*). In the water and sanitation sector, UNICEF has accelerated procurement by earlier identification of full specifications and costings and more timely submission of applications to the Security Council Committee. While UNICEF activities were only undertaken previously in urban areas, the programme is now being implemented in both urban and rural areas. Some 115,000 persons will benefit from 164 rural water projects under implementation in remote parts of the three governorates. As at 31 July 1998, phase I inputs had benefited over 300,000 persons. The United Nations Centre for Human Settlements (Habitat) has been responsible for provision of services to resettlement projects under phases I to III. Under the enhanced distribution plan, the Centre has been allocated resources, subject to eventual funding, to concentrate more work on urban or semi-urban schemes. As at July 1998, all phase I and II projects were either under construction or completed, comprising 42 rural or semi-urban water schemes and 22 sanitation projects. Under phase III, the Centre has begun three water projects and one sanitation assistance project to internally displaced persons. Despite the strong preference of local authorities in the three governorates for major urban rehabilitation projects, resources are inadequate for such a task. Urban water and sanitation systems are badly decayed, with water loss at 40 per cent, compounded by household wastage, and partial solutions to major infrastructure problems may exacerbate the overall deterioration of the system. The Centre has drawn up a priority list for deep well drilling for new water sources. In close consultation with local authorities, it is seeking to identify alternative areas for investing such resources and intends to complete project design by December 1998.

Agriculture

39. As at 31 July 1998, agriculture inputs valued at $39,419,968, had arrived in the three governorates, of which $24,344,833 (including cash component), or 34 per cent of allocations under phases I to III, have been delivered to end-users (*see annex VI.G for further details*). In the agricultural sector, the application approval process under phases II and III was faster than in phase I and has helped to improve the timeliness of deliveries. Essential inputs for both the 1997–1998 winter and 1998 summer agricultural season were provided as planned. Improved planning has enabled FAO to phase deliveries of inputs according to seasonal requirements. FAO stated that, on average, its tendering process has taken one to two weeks, and its contracting process about one week. FAO includes and enforces a penalty clause in its contracts that the supplier must deliver the product within a specified time-frame. This obviously varies with the commodity. A limited number of commodities, including antiparasiticides, tomato seeds and orchard fungicides, have not been supplied in accordance with specifications, but FAO has taken remedial action.

40. The distribution mechanism is effective overall but it is hindered by security risks in certain areas, seasonal shortage of storage space in distribution centres and difficult access to remote areas. Some 155,907 farmers have benefited from seed and fertilizer inputs. The area in production has risen by 29 per cent over the 1996–1997 crop season, with a 20 per cent fall in production costs. The summer pest control campaigns benefited 140,000 farmers, and an estimated 85 per cent of animals in the region have been treated and vaccinated. These activities have reduced disease incidence, increased production levels and led to a 40 per cent drop in the prices of meat and dairy products. The cost of veterinary pharmaceuticals in the local market has dropped by over 50 per cent, and time-expired items have disappeared from sales outlets. The number of broiler chicken farms increased from 25 to 150 between February and July 1998, with the utilization of nearly all phase I and II poultry inputs. Under phase III and the enhanced distribution plan, the target is to reach a level of 300 reactivated farms. Backyard poultry-raising is being promoted in order to increase availability of animal protein to poorer families in remote areas. For inputs which are insufficient to meet the needs of farmers, such as agricultural machinery spare parts, irrigation pumps and pipes, wheat seed, fertilizers and sprayers, distribution to end-users is carried out by lottery. Animal health vaccines and drugs, vegetable seeds and crop pest and disease control inputs almost cover the total requirements of end-users. Some inputs are sold to farmers at not more than 20 per cent of the market price. A sliding scale is used to ensure that poorer farmers are not disadvantaged.

Electricity

41. As at 31 July 1998, electricity equipment, valued at $4,700,000, had arrived in the three governorates, of which $1,613,014 (including cash component), or 2 per cent of allocations under phases I to III, has been delivered to end-users (*see annex VI.F for further details*). Implementation in the electricity sector has evolved from a procurement exercise on behalf of the local authorities into a major engineering programme. The pace of the implementation of the programme has suffered seriously due to inadequate technical and managerial resources as well as essential administrative support. The implementation of the programme has also suffered owing to difficulties in obtaining accurate specifications and technical documentation, whether from local authorities or

the Ministry of Industry, and to the fact that the full range of equipment requirements were not fully identified. It has also been difficult to secure the services of international suppliers willing to undertake the execution of projects.

42. In the course of implementation, UNDP/Department of Economic and Social Affairs has had to provide international technical expertise to compensate for the fact that the local authorities do not possess the full range of expertise to survey, design, plan or implement the projects they intend to undertake. Moreover, UNDP/DESA notes that, for more than 50 per cent of items, quantities and specifications have been changed by local authorities since the start of the programme. This has inevitably caused major delays. UNDP/Department of Economic and Social Affairs has experienced considerable difficulties both in staffing its procurement and project management team at Headquarters and in deploying to the field appropriately qualified international staff in a timely manner. The utilization of inputs in Dahuk has been further constrained by serious security matters. Not only are there an estimated 254 minefields adjacent to power lines, but unknown saboteurs recently knocked down a transmission tower and placed landmines around it, killing one of the locally contracted engineering staff and wounding four others. In view of this situation, there is a need to establish priority demining where the rehabilitation activities are impeded by minefields.

43. Since July 1998, however, the following measures have been taken to speed up implementation. UNDP/Department of Economic and Social Affairs is making arrangements to delegate authority to the field to undertake equipment purchases needed for timely response to urgent requirements. The Erbil office is now headed by a very senior manager, with the authority to maintain project integrity and to take procurement decisions. During the reporting period, four international consultancy firms have undertaken studies on the structural integrity of Derbandikhan dam, the rehabilitation of power generating units at both Derbandikhan and Dokan dams, and the state of the transmission and distribution network. Within the next three months, structural emergency repairs of the Derbandikhan dam will be completed and two generating units at Dokan will be overhauled. A substantial increase in equipment arrivals is also expected over the same period, including 14 power transformers for Sulaymaniyah, two mobile substations for Dahuk and Erbil, four diesel generating units for Erbil emergency humanitarian services, 360 distribution transformers and a wide variety of spares. At the most basic level, the programme is maintaining the operational capacity of the electricity utilities. The programme in the three northern governorates, including feasibility studies of alternative power generation sources, cannot be separated from the rehabilitation of the national grid. Until fundamental decisions are agreed to by all parties involved, implementation will necessarily concentrate on the most viable and urgent projects to prevent further degradation of power-generating capacity. Programme implementation is now under constant review at the Headquarters level jointly by the Office of the Iraq Programme, UNDP and the Department of Economic and Social Affairs in order to ensure that the work plan is implemented on schedule.

Education

44. As at 31 July 1998, education supplies, valued at $12,107,542, had arrived in the three governorates, of which $9,576,658 (including cash component), or 20 per cent of allocations under phases I to III, have been delivered to end-users (*see annex VI.H for further details*). UNICEF and UNESCO share responsibility for the implementation of the education sector. UNICEF focuses on primary schools and on the provision of school supplies and UNESCO concentrates on secondary and tertiary education.

45. Serious problems have been encountered in the implementation of the UNESCO programme. The implementation problems included serious staffing difficulties, delays in submission of applications to the Security Council Committee, inadequate delegation of contracting authority to the field and late payments to local contractors. In addition, costs of materials were 60 to 70 per cent higher in Sulaymaniyah than in Dahuk or Erbil, which led to unexpected re-tendering, increased construction costs, and a corresponding 60 per cent cut in envisaged rehabilitation activities in Sulaymaniyah.

46. During the reporting period, UNESCO has taken the necessary action to streamline its procurement procedures by granting its Baghdad office sufficient authority to manage the process effectively, facilitating transit of goods through Jordan and ensuring that greater attention is paid to the quality of incoming materials and evaluation of completed projects. By increasing the work contracted locally to 60 to 70 per cent of the total, UNESCO expects to avoid the delays encountered in importing goods under phase I. UNESCO has been filling vacant posts with experienced international staff in the north, and is in the process of strengthening its support from headquarters. These measures have led to a marked acceleration of the education programme in recent months.

47. UNICEF has also experienced a range of difficulties in trans-shipment through Turkey and has appointed a full-time logistics officer to follow up customs clearance procedures. It has streamlined its local contracts approval procedures with improved coordination between its Baghdad and Erbil offices. Administrative improvements for international procurement may save up to seven weeks in placing orders with suppliers.

48. All phase I UNESCO projects, except school chalk production, are due to be completed by November 1998. Implementation of projects from phases II and III will start by 15 September 1998, and enhanced distribution plan projects are expected to begin in October 1998.

49. The United Nations Centre for Human Settlements (Habitat) has also been heavily involved in the construction of new rural primary and urban secondary schools under the settlement rehabilitation sector. Of its target of 180 schools under phases I to III, 20 have been completed and 76 are under construction, of which 33 will be completed by the new school year. Identification of the enhanced distribution plan projects has already started and construction will start in March 1999. UNICEF's phase I and II rehabilitation projects are under way at 137 schools and will be completed by October 1998.

The installation of printing press equipment for the production of 4.5 million textbooks for 500,000 students is due to be completed by October 1998. All phase II education kits for primary and intermediate school pupils have arrived and will be distributed to some 500,000 pupils at the beginning of the school year in October 1998.

Rehabilitation of settlements

50. As at 31 July 1998, in the settlement rehabilitation sector, commodities valued at $5,788,626 (including cash component), or 20 per cent of allocations under phases I to III, have been delivered to end-users (*see annex VI.I for further details*). The settlement rehabilitation sector implemented by the United Nations Centre for Human Settlements (Habitat) has made substantial progress in spite of considerable administrative and operational constraints. The total $84 million allocation under phases I to III and the enhanced distribution plan is to facilitate permanent resettlement of those residents of collective towns who wish to return to their places of origin, or to resettle more recent internally displaced persons in new locations. Under phases I to III, this will involve construction of some 180 schools with teachers' houses, 60 health centres, 32 sewerage projects, 72 access roads, 100 water schemes, 14 veterinary clinics, nearly 3,500 homes and the provision of other basic infrastructure and community services. This requires appropriate administrative and procurement infrastructure in the Centre, and an effective local construction industry with the capacity to undertake work on this scale. Neither were in place to ensure timely implementation. Over-centralized tendering and procurement procedures used by the Centre and the United Nations Office at Nairobi lengthened the time taken to place a contract to 16 weeks. Local contractors, with no opportunity to engage in projects on this scale over the past seven years, faced major set-up difficulties, compounded by exchange-rate fluctuations.

51. Despite these constraints, however, the Centre is ahead of its target completion date in all three stages of prioritization and design, contracting and construction. By the end of 1998, some $10 to $12 million worth of projects will have been completed. This has had a major impact in boosting the capacity of local contractors, which will benefit future construction projects undertaken by United Nations agencies. The approach for settlement rehabilitation is the establishment of basic, integrated infrastructure such as access roads, water and sanitation, irrigation channels, schools and health centres.

Demining

52. As at 31 July 1998, activities valued at $4,219,370 (including cash component), or 68 per cent of allocations under phases I to III, have been implemented (*see annex VI.J for further details*). In the demining sector, substantial progress has been made following the programme's initial difficulties in phases I and II. The number of minefields in the governorates of Dahuk, Erbil and Sulaymaniyah is not yet established, but is estimated to be in the order of 4,000, of which only 2,500 have been demarcated. A database survey carried out by the United Nations Office of Project Services (UNOPS) to determine more accurately the number of mines and mine victims is due to be completed by the end of January 1999. The number of demining teams is being expanded in proportion to the estimated scale of the problem in each governorate. The United Nations will formally notify the relevant authorities in Iraq of the areas where it is conducting demining activities. The Government of Iraq has not provided maps of minefields, and its procedures for clearing equipment, including even ambulances, and issuing visas for international staff have been lengthy. The Government of Turkey does not allow any transit of demining equipment. To avoid delays, therefore, UNOPS has changed the type of equipment which it intends to procure under the enhanced distribution plan, and has deployed a full-time liaison officer to facilitate customs clearance in Baghdad.

53. Although many villages employ their own untrained deminers, local information on the extent of minefields is not reliable. UNOPS is conducting its own accident survey; the first survey team of national staff has been trained. UNOPS has restarted prosthetic centres in Diana and Halabja using existing stocks and will shortly open a centre in Dahuk. It is estimated that 4,000 people already have prostheses, all of which will require maintenance, and 2,500 people in the region are currently awaiting artificial limbs. With current capacity, it may take two years to clear the backlog; a more accurate estimate will emerge through the survey. In addition, UNICEF is working to provide a mine-awareness programme in schools, focusing on 1,000 schools located in high-risk areas; 1,050 primary school teachers have been trained to date. Although the UNOPS demining programme will be the largest in the three governorates, in the short term, the sheer scale of the problem means that the reduction of casualties will be achieved through greater awareness rather than minefield clearance. However, it should also be recognized that the UNOPS programme is building a regional capacity intended to be sustainable with minimal outside support.

V. Observations and conclusions

54. In spite of the increase in the quantity of oil exported from Iraq during the reporting period, the substantial drop in the price of oil has led to a decline in the total revenue projected for the current phase, which is now estimated at $2.86 billion. After deductions pursuant to paragraph 8 of Council resolution 986 (1995), a net amount of approximately $1.79 billion is expected to be available for the humanitarian supplies authorized by resolution 1153 (1998), and the oil spare parts and equipment authorized by resolution 1175 (1998). This falls far short of the funds required to implement fully the enhanced distribution plan ($3.1 billion). Accordingly, it is essential to prioritize further within and among the different sectors in the enhanced distribution plan, in order to ensure the appropriate utilization of the reduced revenues available for the reasons stated above. The Office of the Iraq Programme has entered into discussions with the Government of Iraq to create a mechanism that will establish priorities to match available funding against approved applications.

55. In order to expedite the reimbursements from the ESC (13 per cent) account to the ESB (53 per cent) account for expenditures involved for bulk purchases of food and medicine by the Government of Iraq for the governorates of Dahuk, Erbil and Sulaymaniyah, measures have been taken by the United Nations to expedite reporting of the arrival and authentication of food and medicine in the north. Regrettably this has been insufficient to reduce the number of food and medicine contracts under the ESB (53 per cent) account awaiting funding from the reimbursed monies from the ESC (13 per cent) account, which now amount to $161.4 million. Accordingly, the Executive Director of the Iraq Programme and the United Nations Controller are reviewing further options to make the necessary adjustments to the current procedures to reduce the long delays in the reimbursements.

56. In order to accelerate the pace of implementation of the humanitarian programme, the Executive Director of the Iraq Programme organized and chaired inter-agency meetings in Baghdad and Erbil in June 1998, with the participation of all the agencies and programmes concerned, including representatives from their respective headquarters. I am satisfied that the decisions taken at the inter-agency meetings will ensure more effective and speedy implementation of the humanitarian programme, and further strengthen the overall cooperation and interaction between the organizations of the United Nations system involved in the implementation of the programme, both at the headquarters level and in the field. Some of the positive results are already reflected in the present report, in particular those regarding the concrete decisions taken to speed up the implementation of the projects in the electricity and education sectors. An urgent effort is also being made by all organizations concerned to fill the long-standing vacancies in the field. In this context, I urge the Government of Iraq to grant expeditiously entry visas to international staff, pursuant to the relevant provisions of Council resolution 986 (1995) and the memorandum of understanding.

57. I take this opportunity to express my appreciation for the dedication and commitment of all the staff members of the United Nations system involved in the implementation of the programme. I also wish to express my appreciation to the Government of Iraq for its continued cooperation.

ANNEX I

United Nations Iraq Account

The allocation of total oil proceeds received from inception to date and the corresponding expenditures is as follows:

(*a*) $3,363.2 million has been allocated for the purchase of humanitarian supplies by the Government of Iraq, as specified in paragraph 8 (*a*) of resolution 986 (1995). Letters of credit issued by the Banque Nationale de Paris on behalf of the United Nations for the payment of those supplies for the whole of Iraq amounted to $2,396.2 million under Phases I, II and III which include an amount of $153.2 million due for the reimbursement for bulk purchases made by the Government of Iraq for northern Iraq and distributed by the United Nations Inter-Agency Humanitarian Programme;

(*b*) $824.4 million has been allocated for the purchase of humanitarian goods to be distributed in the three northern governorates by the United Nations Inter-Agency Humanitarian Programme, as specified in paragraph 8 (*b*) of the resolution. Expenditures recorded for humanitarian goods approved by the Security Council Committee amounted to $646.6 million;

(*c*) $2,021.8 million has been transferred directly into the United Nations Compensation Fund, as specified in paragraph 8 (*c*) of the resolution. As at 31 July 1998, a total of 67.8 million had been allotted to cover the operating expenditures of the Compensation Commission and an amount of $1,210.8 million for payment of first, second and third installments of "A" and "C" claims;

(*d*) $140.5 million has been allocated for the operational and administrative expenses of the United Nations associated with the implementation of resolution 986 (1995), as specified in paragraph 8 (*d*) of the resolution. Expenditures for administrative costs for all United Nations entities involved in implementing the resolution amounted to $98.1 million;

(*e*) $47.6 million has been allocated to the United Nations Special Commission (UNSCOM) for its operating expenses, as specified in paragraph 8 (*e*) of the resolution. Expenditures for the Commission amounted to $37.9 million;

(*f*) $287.6 million has been set aside for the transportation costs of petroleum and petroleum products originating in Iraq exported via the Kirkuk–Yumurtalik pipeline through Turkey, in accordance with paragraph 8 (*f*) of the resolution and in line with procedures adopted by the Security Council Committee. Of that amount, $241.4 million has been paid to the Government of Turkey;

(*g*) $63.4 million has been transferred directly to the escrow account established pursuant to resolution 706 (1991) of 15 August 1991 and 712 (1991) of 19 September 1991 for the repayments envisaged under paragraph 6 of resolution 778 (1992) of 2 October 1992, as specified in paragraph 8 (*g*) of resolution 986 (1995).

ANNEX II

Oil proceeds and humanitarian supply letters of credit as at 31 July 1998

OIL PROCEEDS

Phase	*Last deposit*	*No. of letters of credit*	*Value of letters of credit from oil sales*
I	27 June 1998	125	$ 2 149 506 395.99
II	2 January 1998	128	$ 2 124 569 788.26
III	30 June 1998	186	$ 2 085 326 345.25
Current	As at 31/07/1998	113	$ 1 327 291 000.00[a]
Totals		**552**	**$ 7 686 693 529.50**

[a] Of the oil proceeds of $1,327,291,000, only $388.9 million had been received as at 31 July 1998; oil proceeds to be received may vary due to market price fluctuations.

HUMANITARIAN SUPPLY LETTERS OF CREDIT FOR ESB (53%) ACCOUNT AND BULK PROCUREMENT

Phase	*No. of letters of credit opened*	*Approximate value of letters of credit opened*	*Bank payments made on delivery*
I	869	1 242 181 000	$ 1 171 136 900
II	524	1 185 287 000	$ 907 554 200
III	496	1 010 976 000	$ 317 549 100
Current	12	22 130 000	$ –
Totals	**1 901**	**3 460 574 000**	**$ 2 396 240 200**

ANNEXES III TO IX*

* The annexes are not reproduced in the present supplement; they may be consulted in the files of the Secretariat.

DOCUMENT S/1998/825

Letter dated 1 September 1998 from the representatives of Cape Verde and Côte d'Ivoire to the President of the Security Council

[Original: French]
[1 September 1998]

We have the honour to transmit to you herewith the Portuguese, French and English versions of the following documents:

- The ceasefire agreement, and its appendices I and II, concluded between the Government of Guinea-Bissau and the Self-denominated Military Junta and co-signed by the Committee of Seven of the Economic Community of West African States (ECOWAS) and the Contact Group of the Community of Portuguese-speaking Countries (CPLP) at the end of a meeting held at Praia, Cape Verde, on 25 and 26 August 1998 (*see annex I*);
- The final communiqué of the joint Economic Community of West African States (ECOWAS)/Community of Portuguese-speaking Countries (CPLP) consultative meeting on the situation in Guinea-Bissau, held at Praia on 25 and 26 August 1998 (*see annex II*).

We should be grateful if you would have these documents distributed as a document of the Security Council.

(*Signed*) Bernard TANOH-BOUTCHOUÉ
Chargé d'affaires a.i.
of the Permanent Mission of the
Republic of Côte d'Ivoire
to the United Nations

(*Signed*) José LUIS MONTEIRO
Permanent Representative of the
Republic of Cape Verde
to the United Nations

ANNEX I

Ceasefire agreement in Guinea-Bissau

[Original: English/French]

Under the joint chairmanship of the Economic Community of West African States (ECOWAS) and the Community of Portuguese-Speaking Countries (CPLP), the Government of Guinea-Bissau and the Self-denominated Military Junta met in Praia on 25 August 1998 and decided to transform the truce agreed upon in the Memorandum of Understanding signed at Bissau on 26 July 1998 into a ceasefire based on the following principles:

Article 1

The Government of Guinea-Bissau and the Self-denominated Military Junta agree to an immediate ceasefire based on the principles indicated below:

(*a*) Reaffirmation of the public recognition of democratic institutions and legality;

(*b*) Freezing of their respective military positions held at the time of the entry into force of the Memorandum of Understanding of 26 July 1998;

(*c*) Reopening the Osvaldo Vieira Airport in order to facilitate the viability of humanitarian aid, the logistic support to the ceasefire observation mission and the return of refugees;

(*d*) Deployment of observation and interposition forces, to be defined through negotiations;

(*e*) Strengthening of the opening of humanitarian corridors;

(*f*) Creation of conditions which may facilitate the return of refugees and resettlement of displaced persons.

Article 2

Annexes I and II to the Memorandum of Understanding dated 26 July 1998 are an integral part of the present Agreement.

Article 3

The present Agreement will enter into force on 26 August 1998, at 2 a.m.

DONE at Praia, 26 August 1998.

For the Government of the Republic of Guinea-Bissau
(*Signed*)

For the Self-denominated Military Junta:
(*Signed*)

For the ECOWAS Group of Seven:
(*Signed*)

For the CPLP Contact Group
(*Signed*)

APPENDIX I

Appendix relative to the understanding of paragraph 1 (c) of the Memorandum of Understanding of 26 July 1998 between the Government of Guinea-Bissau and the Self-denominated Military Junta

For the purposes of subparagraph (c) of paragraph 1 of the Memorandum of Understanding of 26 July 1998 between the Government of Guinea-Bissau and the Self-denominated Military Junta, establishing a formal and immediate truce, and the launching of the negotiations, both Parties agreed on the following:

1. To freeze their respective military positions held at the time of the entry into force of the truce established in the Memorandum of Understanding;

2. To engage in the withdrawal of the respective military forces from the Mansoa area, as soon as the interposition or observation force is deployed in the said area. This military interposition or observation force shall secure and guarantee the demilitarization of Mansoa area until a final solution is reached through the negotiation process, also established in the said Memorandum of Understanding.

Bissau, 26 July 1998.

For the Government of the Republic of Guinea-Bissau
(*Signed*)

For the Self-denominated Military Junta:
(*Signed*)

For the CPLP Contact Group
(*Signed*)

APPENDIX II

Declaration

The Self-denominated Military Junta declares, before the Contact Group of the Community of Portuguese-speaking Countries (CPLP), to be in the disposition of laying down arms under the terms to be defined in the context of a peaceful resolution of the conflict.

Bissau, 26 July 1998

For the Self-denominated Military Junta

(*Signed*)

ANNEX II

Final communiqué of the joint Economic Community of West African States (ECOWAS)/Community of Portuguese-speaking Countries (CPLP) consultative meeting on the situation in Guinea-Bissau, held at Praia, Cape Verde, on 25 and 26 August 1998

[*Original: English/French*]

1. A joint meeting of the Ministers of Foreign Affairs of Member States of the ECOWAS Committee of Seven on Guinea-Bissau and the Community of Portuguese-speaking Countries (CPLP) Contact Group was held at Praia, Republic of Cape Verde, on 25 [and 26] August 1998, under the joint chairmanship of the Ministers for Foreign Affairs of Côte d'Ivoire and Cape Verde, Messrs. Amara Essy and José Luis Jesus. The aim of the meeting was to coordinate their mediation efforts, within the framework of ECOWAS, aimed at restoring peace in Guinea-Bissau.

2. The following member States were present at the meeting:

ECOWAS member States

Republic of Côte d'Ivoire
Republic of The Gambia
Republic of Guinea
Federal Republic of Nigeria
Republic of Senegal

CPLP member States

Republic of Angola
Federative Republic of Brazil
Republic of Cape Verde
Republic of Mozambique
Republic of Portugal
Republic of Sao Tome and Principe

3. Representatives of the ECOWAS and CPLP secretariats also participated in the meeting.

4. The representative of the Secretary-General was present at the meeting, on special invitation.

5. Also present at the meeting were representatives of the Government of the Republic of Guinea-Bissau and the Self-denominated Military Junta.

6. The participants exchanged views and held frank and constructive discussions with regard to their joint mediation efforts of the crisis in Guinea-Bissau.

7. During the meeting, the ECOWAS Committee of Seven and the CPLP Contact Group agreed on a common strategy to be adopted during the negotiations.

8. The participants exchanged views on political and military matters as well as issues relating to regional security.

9. The meeting sought the views of the parties to the conflict on the proposed agenda. No amendments were made.

10. The meeting noted with satisfaction that the parties to the conflict had agreed to a truce, brokered by CPLP, and commended CPLP for its efforts.

11. In order to consolidate the fragile peace now holding in Guinea-Bissau and ensure that it is not short-lived, the parties to the conflict, encouraged by the ECOWAS Committee of Seven and the CPLP Contact Group, agreed to transform the current truce into a ceasefire.

12. The representatives of the Government of Guinea-Bissau and the Self-denominated Military Junta then proceeded to sign the ceasefire agreement.

13. The meeting also agreed on the need to put in place a mechanism to supervise and monitor the ceasefire. The modalities for its implementation will be finalized during the next meeting.

14. The Government of Guinea-Bissau and the Self-denominated Military Junta considered the issue of the Osvaldo Vieira airport which remained closed and agreed on the need to reopen it in order to:

- Ease the movement of humanitarian aid;
- Provide the logistic support for the ceasefire observer team;
- Facilitate the return of refugees and displaced persons.

15. The meeting called on the international community to assist the people of Guinea-Bissau.

16. The ECOWAS Committee of Seven and the CPLP Contact Group agreed that their next meeting will be hold in Côte d'Ivoire on 12 September 1998.

17. This will be preceded by a meeting of Chiefs of Staff or military experts of States members of the Committee of Seven and the CPLP Contact Group which will be held on 10 September to consider the technical, logistic and operational aspects of the observer team for the monitoring of the ceasefire and the interposition forces with respect to the establishment of a buffer zone along the Senegal/Guinea-Bissau borders.

18. The ministerial meeting will consider:

- The continuation of discussions on the issues under negotiation;
- The establishment of an observer team; and
- The composition and all other aspects relative to the deployment of the interposition forces under the framework of the establishment of a buffer zone along the Senegal/Guinea-Bissau borders.

19. The ECOWAS Committee of Seven and the CPLP Contact Group expressed their profound gratitude to Mr. António Mascarenhas Monteiro, president of the Republic, the Government and the people of Cape Verde for the kind hospitality extended to them and for the excellent facilities put at their disposal to ensure the success of their meeting.

DONE at Praia this 25th day of August 1998

DOCUMENTS S/1998/834 AND ADD.1

Report of the Secretary-General prepared pursuant to resolution 1160 (1998) of the Security Council

DOCUMENT S/1998/834

[*Original: English*]
[*4 September 1998*]

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1160 (1998) of 31 March 1998. It covers the period since my last report, of 5 August 1998 [*S/1998/712*].

II. Security Council Committee established pursuant to resolution 1160 (1998)

2. As at 31 August 1998, in addition to those States listed in my earlier reports [*S/1998/608 and S/1998/712*], Albania, Chile, Croatia and the Republic of Korea reported to the Committee established pursuant to paragraph 12 of resolution 1160 (1998) on the steps they had taken to give effect to the prohibitions imposed by that resolution.

3. In a letter dated 18 August, the Permanent Representative of Austria to the United Nations, in his capacity as the representative of the Presidency of the European Union, transmitted to the Chairman of the Committee the first monthly report of the European Community Monitoring Mission containing observations on violations of Security Council resolution 1160 (1998). The report covered the Mission's activities in July and early August and was submitted in accordance with the European Union's earlier pledge to contribute to international efforts to monitor the embargo and to report to the Committee any relevant information. The Mission has instructed its regional centres in Tirana, Belgrade and Skopje, as well as its coordination centres in Pristina and Podgorica, to be particularly alert to the possibility of weapons transfers from their respective areas of responsibility into the Federal Republic of Yugoslavia.

4. At its 3rd meeting, held on 19 August 1998, the Committee decided, *inter alia*, to renew its appeal of 7 May 1998 to all States, international organizations and regional organizations to provide information on violations or suspected violations of the prohibitions imposed by Security Council resolution 1160 (1998). That appeal was issued on 26 August 1998 by the Chairman of the Committee, Mr. Celso L. N. Amorim (Brazil), on behalf of the Committee.

5. In my previous report [*S/1998/712*], I submitted, in accordance with paragraph 15 of Security Council resolution 1160 (1998), my observations and recommendations for the establishment of a comprehensive regime to monitor the implementation of the prohibitions imposed in paragraph 8 of the resolution. If the Council concurs with the suggested arrangements, I will proceed accordingly.

III. Situation in Kosovo

6. Continued international efforts to facilitate a political solution to the Kosovo crisis have had limited results. As the Security Council is aware, the situation in Kosovo remains volatile. In mid-July and early August, heavy fighting occurred in the towns of Orahovac and Malisevo, as well as in the Suva Reka and Stimlje areas. By mid-August, fierce fighting was raging in the western parts of Djakovica, Decani and Pec. Towards the end of August, fighting continued in several areas: west of Pec in Rugovska Klisura area, along the Stimlje-Suva Reka road, on the Komorane-Kijevo stretch of the Pristina–Pec Road and near the Pristina airport. Although the scale of fighting between the security forces of the Federal Republic of Yugoslavia and the Kosovo Liberation Army (KLA) has decreased, and the Government has announced that life is returning to normal, it is evident that the conflict continues and any prediction of its end would be premature. The negotiating process has not been renewed and tensions along the border between the Federal Republic of Yugoslavia and Albania have been evident.

Humanitarian concerns

7. An estimated 600 to 700 civilians have been killed in the fighting in Kosovo since March. The conflict has resulted in the estimated cumulative displacement of over 230,000 persons. This is a nearly tenfold increase compared to the figure of 25,000 persons estimated by the Office of the United Nations High Commissioner for Refugees (UNHCR) to have been displaced during the first four months of 1998. The vast majority of those currently displaced by the conflict are within Kosovo (170,000). Others have moved to locations in Montenegro (33,500) and Serbia (20,000). Some 14,000 refugees are currently in Albania. Deserted towns and villages, as well as destroyed houses, slaughtered livestock and burned fields, bear witness to the scale of displacement and destruction in Kosovo. However, it has not always been possible fully to gauge the level of population movement inside Kosovo, owing to the increasingly insecure environment, impediments to access and the fluidity of the population movements. Thousands of civilians are constantly in flight to escape attacks by government forces.

8. According to UNHCR estimates, there could be up to 50,000 displaced people in Kosovo who have been forced from their homes into the woods and mountains. These people are the most vulnerable and are in need of urgent help. Despite assurances from the authorities, access is hindered, and the immediate priority of the humanitarian agencies is to find these groups and to deliver essential relief. It is clear that if these people remain in their current locations over the winter, they will be at serious risk of death. It remains a priority to

assist them to return to their homes, or to move them to host families, or, as a last resort, into collective centres where assistance can be more reliably provided.

9. The authorities of the Federal Republic of Yugoslavia have committed themselves to the creation of conditions for the return of refugees and displaced persons to their homes in Kosovo. The reality on the ground, however, is that inadequate security conditions and the continued destruction of homes are making return to many areas virtually impossible. There are disturbing reports that some returnees, mostly young men, were taken by police for "informative talks". In some cases, the police have prevented returnees from harvesting crops. The Assistant High Commissioner for Refugees, Mr. Soren Jessen-Petersen, who visited the area from 18 to 22 August, reported one instance when the police, occupying the house of the potential returnee, vandalized it and did not allow the owner to move back in. Such practices, as well as any potential attempts to change the ethnic balance in Kosovo, are unacceptable. I am also concerned by unconfirmed reports that some Kosovo Albanian groups, in pursuit of their political interests, may be blocking the return process in order to prolong the humanitarian crisis and maintain international attention on Kosovo.

10. In order to expedite the return process and to facilitate political progress on the Kosovo issue, there is a critical need to promote confidence-building measures between the parties in conflict. As most refugees and internally displaced persons have no trust in the willingness or ability of the Serbian or federal authorities to protect them, all necessary measures should be taken to bridge the confidence gap. In this connection, UNHCR strongly argues the urgent need to strengthen the international presence in Kosovo. The government authorities in the Federal Republic of Yugoslavia, who bear primary responsibility for the well-being and security of all its citizens, should unambiguously commit themselves to guaranteeing the safety of those returnees not proved to have participated in terrorist activities. The authorities must undertake to prosecute any member of the security forces involved in the mistreatment of innocent civilians. Another important factor is that many internally displaced persons have no place to go, since a significant number of houses have been destroyed or burned. The authorities must bring to justice all those involved in the deliberate destruction of property. They must also make every effort to provide assistance for the reconstruction of damaged and destroyed homes.

11. A prolongation of the Government's present policies is likely to result in further displacement of the wider population. This is particularly worrying because of the approaching winter, which could transform what is currently a humanitarian crisis into a humanitarian catastrophe. It is likely that most of the displacement will continue to be concentrated within Kosovo itself, although an increasing number of those displaced appear to be electing to move to other areas within the Federal Republic of Yugoslavia (Montenegro in particular) and abroad.

12. At the beginning of 1998, there were 1,800 refugees from Croatia and Bosnia and Herzegovina housed in 28 collective centres in Kosovo. UNHCR has requested the federal authorities to transfer the refugees to safe locations outside the conflict areas, but this has not yet been done. Regular visits to the collective centres reveal that the numbers of refugees therein have dropped, as most refugees with the health and means to do so have made their own way out; their present location and condition are unknown. The options of voluntary repatriation and resettlement are being pursued. So far some 600 are being assisted to return to Croatia at their request. Interest in repatriation, especially among the elderly, is increasing and it is expected that the number of requests for return will grow in the near future. More than 1,000 refugees have now requested resettlement abroad.

13. In response to the crisis, the humanitarian agencies continue to identify the location and needs of the displaced, to provide protection when possible, and to deliver assistance from available resources. At the time of writing, the municipalities in Kosovo affected by the conflict include Decane, Djakovica, Glogovac, Istok, Klina, Lipljan, Orahovac, Pec, Srbica, Stimlje and Suva Reka. Most of the displaced within Kosovo are staying within these areas, though some have moved to other municipalities. Populations in other areas, while not directly involved in the fighting, are increasingly affected by the conflict. Many have little or no access to food supplies, as stocks in shops have, for the most part, not been replenished, and medical facilities face major supply problems. Livestock has been lost or slaughtered, crops lie unharvested in the fields, and fodder is scarce, rendered inaccessible or destroyed. It is feared that many wounded in the conflict areas have no access to medical services.

14. The most worrying problem in Montenegro is the impact of internally displaced persons on the demographic balance and the high burden they place on that Republic of the Federal Republic of Yugoslavia, since they already represent more than 10 per cent of its population. In Montenegro, UNHCR is increasing its budget to cope with the needs of new arrivals from Kosovo. The focus in the short term is on assisting the most vulnerable host families and to winterize public buildings used to shelter the internally displaced. A similar approach is required in northern Albania, although in the medium term those refugees willing to go there should be relocated to the south in order to decongest Bajram Curri and to move the refugees away from the area, which has become a KLA base. The security situation has become a major concern for the humanitarian agencies in northern Albania.

Human rights

15. The human rights situation in Kosovo has been marked by widespread violations. Acting under the mandates of the United Nations High Commissioner for Human Rights and the Special Rapporteur on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia, the Office of the United Nations High Commissioner for Human Rights is engaged in monitoring and reporting on the human rights situation in the whole of the Federal Republic of Yugoslavia. The Office of the High Commissioner opened its office in Belgrade in March

1996 and has in addition maintained a continuous monitoring presence in Pristina since March 1998.

16. The Office of the High Commissioner has received increasing reports of persons being arbitrarily arrested for questioning and kept in pre-trial detention for periods well beyond the legal time limit. It has registered more than 200 persons who are reported to be in police detention, and another 200 or more are reported by various sources as "missing". Some persons are believed to be in unacknowledged detention. While most of these people have been arrested in connection with police operations in the field, there is a growing number of cases in which Kosovo Albanian political activists, lawyers, humanitarian workers and medical personnel are being arrested and interrogated by the police. The Office of the High Commissioner has been informed that detainees have recently been transferred to Belgrade from prisons in Kosovo. Lawyers and family members say that they encounter serious problems in obtaining permission to see those detained. Lawyers have reportedly been prevented from speaking with their clients in private for longer than five minutes and have not been allowed by the police to speak with their clients in the Albanian language. There are many reports of torture and ill-treatment during pre-trial detention, including at least four alleged cases of death in custody. The Office of the High Commissioner has on several occasions written to the Serbian Ministry of the Interior inquiring about cases brought to its attention. In Kosovo, the Office is monitoring trials of persons charged with crimes against the state, including "terrorism". Some defendants have reportedly been tortured while under interrogation. In these politically sensitive trials there are serious concerns regarding the independence of the courts and defendants' access to legal counsel.

17. Also a serious cause for concern are reports that a number of Serb, Kosovo Albanian and Roma civilians, as well as Serbian police officers, have been abducted since early April by armed Kosovo Albanians, believed to be KLA members. The Office of the High Commissioner has interviewed relatives and family members of abductees as well as eyewitnesses to abductions. The Yugoslav authorities have indicated that more than 179 civilians and police were abducted since the beginning of the conflict. On 26 and 27 August, in Klecka, 22 persons believed to be abductees reportedly were killed and their bodies burned in a makeshift crematorium. The precise number of victims and the circumstances of their death are being investigated. International monitors have also visited the site.

IV. Humanitarian activities

18. The provision of humanitarian assistance is of great urgency, particularly with the onset of the harsh winter months in the Balkans. In cooperation with the International Committee of the Red Cross, international non-governmental organizations and local organizations, United Nations agencies are attempting to deal with the crisis in the face of difficult conditions and limited funding. Within Kosovo, UNHCR has been escorting multi-agency convoys to deliver humanitarian assistance to internally displaced persons; the first priority in this regard has been to help those living in the open, who are, unfortunately, the most difficult to reach.

19. Given the growing crisis in Kosovo and the commensurate increase in humanitarian needs, the international humanitarian assistance programme has become an indispensable factor in ensuring the provision of efficacious and cost-effective relief assistance at the local, national and regional level. UNHCR continues to act as the focal point for inter-agency coordination on issues pertaining to the crisis in Kosovo. Capacity for inter-agency and interregional information flow and coordination continues to be undertaken by UNHCR with support from the Office for the Coordination of Humanitarian Affairs. A purpose of the recent visit to Kosovo by the Assistant High Commissioner for Refugees was to assess the humanitarian situation on the ground, including issues of access, security and other operational concerns and constraints.

20. Pursuant to its mandated role as lead agency in the region, UNHCR maintains close liaison with representatives of the Government of the Federal Republic of Yugoslavia as well as with members of the Kosovo Albanian community and the respective Red Cross Societies to share relevant information on population movements and assistance needs. In this connection, it is worth noting that UNHCR has worked out a division of labour for humanitarian assistance in Kosovo. It also liaises with the diplomatic community and human rights organizations in Belgrade, Pristina and Montenegro as well as with the Kosovo Diplomatic Observer Mission, the European Community Monitoring Mission and relevant diplomatic missions. Regular briefings are provided on current developments and the monitoring of the safety of displaced persons and refugees.

21. The military operations and civil strife of the past months, resulting in the mass displacement of civilian populations, coupled with the disruption of trade and the failure to harvest crops, have also worsened the food security situation of internally displaced persons and other affected populations. The World Food Programme's intervention in the food sector has been designed to prevent hunger and malnutrition among refugees and displaced persons, as well as among affected populations in conflict areas. UNHCR has a small provision in its budget to cover special dietary food requirements and supplementary food, to assist the most needy during the winter months of 1998 especially. A number of non-governmental organizations and the International Committee of the Red Cross/International Federation of Red Cross Societies have funding to provide food assistance to the affected population in Kosovo as well as to internally displaced persons in Kosovo and Montenegro.

22. In the non-food sector, UNHCR provides such items as blankets, mattresses, hygienic items, heating/cooking stoves and firewood, with special emphasis on the needs of women and children. Winter clothing will be essential in the coming months. UNHCR will make clothing and footwear available from its stocks in the region; non-governmental organizations are expected to supply substantial quantities of clothing and footwear. The United Nations Children's Fund (UNICEF) will complement the activities of UNHCR and its

partners through the provision of children's garments, basic household supplies and essential hygiene items required by displaced children and women. These supplies will improve the general health status of the internally displaced persons and help to prevent the outbreak of water-borne and food-borne diseases, lice infestation and other conditions related to living in deprived circumstances.

23. The conflict and population displacement in Kosovo has led to a shortage of essential drugs and to the collapse of basic health services. Children in temporary and inadequate shelter are at risk from common diseases and there is a serious threat of a measles epidemic in the coming months. The World Health Organization (WHO) maintains a coordination role in the public health sector and provides technical guidance to agencies involved in this sector. Activities include the procurement of emergency water supply and chlorination systems, the establishment or improvement of sanitary facilities, the improvement of the emergency health surveillance system and its management, and the strengthening of the management of drugs donations and distribution. Preventive health-care activities, in particular immunization programmes and prenatal care, will be undertaken to compensate for local services which have been severely curtailed because of shortages of trained staff and essential medical supplies. In addition to the activities of WHO, UNICEF will continue to provide special paediatric essential drug kits, together with guidelines for health workers on their use. UNICEF also promotes community health and hygiene education, sound infant-feeding practices and, in collaboration with WHO, assists in the monitoring of the general health and nutritional status of the affected population. Building on the work which began in April this year, UNICEF will seek to re-establish the network of trained care providers in Kosovo, in order to provide trauma screening and psycho-social support for children and families seriously affected by the violence and conflict. WHO continues its activities of psycho-social emergency assistance to the internally displaced persons in Montenegro.

24. Accommodation is one of the major concerns in relation to the well-being of internally displaced persons and affected populations. UNHCR will provide material for emergency repairs; more substantial repairs can be carried out only once relative peace has been restored, and it is hoped that reconstruction may be possible immediately after the 1998/1999 winter. In Montenegro, where a different type of shelter assistance is required, some basic repair and maintenance of the collective centres is foreseen. Assistance will also be provided to host families in an effort to support them and encourage them to continue to extend their hospitality, as resources have already started to dwindle. However, if fighting continues in Kosovo and it is impossible for those now living outside to reach their homes, they may seek to reach Montenegro. This would necessitate the urgent provision of greater resources for collective accommodation.

25. The current conflict has taken a serious toll on education services in Kosovo. UNICEF plans to assist up to 100,000 internally displaced children in Kosovo and other parts of Serbia and up to 20,000 internally displaced children in Montenegro, so that they can start school promptly in September. In Montenegro, UNICEF will concentrate its assistance on providing necessary school materials and basic textbooks for the start of the new school year, and on providing teacher training. In areas of Kosovo with a high influx of internally displaced persons, existing schools will not have the capacity to provide classroom space for all children and alternative arrangements will have to be made. Finally, as a precautionary measure, UNICEF will prepare and print a teachers' manual and posters for use in mine awareness education in primary schools in certain parts of Kosovo. UNHCR will support UNICEF activities and will, in consultation with the Government of Montenegro, provide assistance to carry out sanitation and rehabilitation work at school buildings in Montenegro to increase their capacity. Activities in this sector in Kosovo will depend on the local situation but are expected to be limited at this stage. Working with the legal community and non-governmental organizations, the Office of the United Nations High Commissioner for Human Rights is attempting to produce educational materials that link international human rights standards with domestic law and procedures, particularly in the area of police and judicial procedures. In August, the Office began its first small grants programme for communities and organizations involved in human rights education.

26. Humanitarian agencies can continue to operate only in areas where security conditions permit and access is granted by the relevant authorities. Although access has generally improved, insecurity resulting from fighting often prevents or delays the delivery of aid. In recent weeks, the incidence of cases of restriction of movement and denial of access for humanitarian agencies to certain areas, detention of relief personnel and attacks on relief workers has increased. On 25 August, three relief workers of a local non-governmental organization, the Mother Theresa Society, were killed under fire in a Serbian offensive. In late August, a UNHCR driver of ethnic Serb background was threatened by a KLA member at a KLA checkpoint near Pagarusa while escorting a humanitarian convoy. Humanitarian aid workers must cross numerous checkpoints established by both the police and KLA, often one after another; sometimes relief workers are sandwiched between two checkpoints as neither group will allow them to pass through. Reports of landmines also give cause for concern. While guarantees of access have been given, the security and safety of aid workers remains a real issue and must be addressed by the parties.

27. The most disappointing problem is a lack of resources. Three humanitarian convoys per week do not meet the needs of the affected people. An extension of the United Nations Consolidated Inter-agency Appeal for Humanitarian Assistance Related to the Crisis in Kosovo will be launched by UNHCR and the Office for the Coordination of Humanitarian Affairs in September. It is vital that the international community responds generously to this new appeal so that United Nations agencies may meet the expanding emergency humanitarian needs. The support of donors is critical to enhance the response capacity of agencies participating in this appeal, and to allow them to do their utmost to alleviate the human suffering caused by the conflict in Kosovo.

V. Observations

28. I am alarmed by the lack of progress towards a political settlement in Kosovo and by the further loss of life, displacement of civilian population and destruction of property resulting from the ongoing conflict. It is essential that negotiations get under way so as to break the cycle of disproportionate use of force by the Serbian forces and acts of violence by the Kosovo Albanian paramilitary units by promoting a political resolution of the conflict. On 1 September, I wrote to President Milosevic to underline my alarm at the excessive use of force by Serbian military and police forces, noting that Kosovo Albanian extremists also bear responsibility for their acts of provocation. Persistent tensions on the border between the Federal Republic of Yugoslavia and Albania, including reports of border violations and cross-border shelling, are a further cause of serious concern. As I have indicated, this escalation of tensions risks detrimental consequences for the stability in the region. In this regard, I wish to reiterate the concern, expressed in my previous report, that United Nations operations in the region could be negatively affected by developments in Kosovo.

29. I continue to believe strongly that there can be no military solution for the crisis. I urge both parties to demonstrate restraint and to start the negotiating process as soon as possible. Efforts by the Contact Group, regional organizations and individual States to put an end to the violence and to create appropriate conditions for a political settlement of the conflict have my full support. For my part, I remain prepared to contribute to these efforts through all resources available to me.

30. As I have outlined above, recent clashes in Kosovo have led to further displacement of civilian population which have borne the brunt of the fighting since March 1998. I urge parties in the Federal Republic of Yugoslavia to assure unhindered humanitarian access to all affected areas and to ensure the security of the relief personnel. I call also on international humanitarian organizations to intensify their efforts to provide relief to Kosovo's population. To achieve this, the international community must support these efforts by providing urgently the necessary resources for assistance in Kosovo, in order to prevent a major humanitarian disaster in the region.

DOCUMENT S/1998/834/ADD.1

[Original: English]
[21 September 1998]

ANNEX

Information on the situation in Kosovo and measures taken by the Organization for Security and Cooperation in Europe, submitted pursuant to paragraphs 13 and 16 of Security Council resolution 1160 (1998)

General situation

1. The past four weeks have been characterized by a sharp escalation of military operations in Kosovo, as a result of an offensive launched by the Serb forces against armed groups of Kosovo Albanians in the central, southern and western regions of the province. A number of armed clashes have also been reported along the Albanian-Yugoslav border.

2. In August, the Serb forces went on the offensive after the Kosovo Liberation Army (KLA) seized control of a part of Kosovo in July. The Serb army regained control of the principal roads of Kosovo and captured a number of towns previously viewed as KLA strongholds. Many KLA fighters discarded their weapons and escaped to Albania.

3. Continued efforts of the international community aimed at a cessation of the hostilities and for resumption of the dialogue between Belgrade and Pristina have not resulted in any breakthrough. In early August, a document of the Contact Group, featuring options for a future status of Kosovo, was transmitted to the two belligerents. No binding opinions in respect of the said proposals have so far been forwarded by either of the opposing parties.

4. Although the invitation of the authorities of the Federal Republic of Yugoslavia to start the negotiations over the future status of the Kosovo province have been submitted to the Albanian leaders in Kosovo, no substantial talks have begun, mainly because of the continuing military offensive in Kosovo.

5. Militants of KLA continue to operate in some towns and villages. Many cross the border into and out of Kosovo, with recent evidence pointing to substantial numbers withdrawing into Albania.

Situation of the civilian population

6. The hostilities triggered a dramatic exodus of the civilian population from Kosovo. According to statistics of the Office of the United Nations High Commissioner for Refugees (UNHCR), the number of refugees and displaced persons in the province amounts to 230,000 people, 60,000 of whom have chosen to leave Kosovo. Under considerable pressure brought to bear by the international community, the Serb authorities have taken action to attract the refugees back to their permanent places of residence, offering them material aid. However, this has elicited a tepid response from the Albanian population, which is suspicious of Serb guarantees. Humanitarian aid deliveries to Kosovo have so far been unequal to the situation on the ground.

Political scene in Pristina

7. The international community has been making efforts to talk the Kosovo Albanians into setting up a joint negotiating team, complete with a common agenda for talks with Belgrade. The first negotiating team, originally established by Dr. I. Rugova no longer exists, having decided to disband. The new one does not include representatives of KLA, which decided to establish the so-called political wing.

International presence in Kosovo

8. The Kosovo Diplomatic Observer Mission, made up of several representatives from the United States of America, the Russian Federation and the European Union, and permanently posted in Kosovo, runs several score patrol missions weekly in the province's trouble spots. It submits reports on these missions. Kosovo has also been toured on a regular basis by diplomats from other Belgrade-based embassies, as well as politicians and diplomats on visits to the Federal Republic of Yugoslavia, such as the United States President's envoy, Mr. Charles Hill, the Russian Deputy Minister for Foreign Affairs, Mr. N. Afanasyevski, the political directors of the German and French Ministries of Foreign Affairs, and the OSCE mission, run by Mr. H. Eiff, and falling into the latter category.

Organization for Security and Cooperation in Europe analysis of the spillover potential of the Kosovo conflict

9. The strip of land along the Yugoslav/Albanian border has continued to be a scene of armed clashes between the Serb army and police forces and armed Albanians attempting to establish a two-way cross-border traffic.

10. Recent military activity has intensified, causing an ever-increasing number of internally displaced persons in Kosovo. The inflow of refugees into Albania has shown a sharp increase again, with thousands of new refugees registered in the past month. Unknown thousands are assumed to be roaming the forests awaiting help in the form of aid and assistance. Their passage to safety is hampered by the threat of military action and the placing of mines along the border area by Federal Republic of Yugoslavia forces.

11. The refugees moving into Albania are facing many difficulties, especially with regard to finding accommodation. In the past, host families have come forward to assist, but this capacity is all but exhausted. The continued burden on the host families is starting to create resentment and rejection.

12. The continued violence across the border has again "spilled over" in the form of an increasing number of incidents of shooting, airspace violations, cross-border bushfires, etc. Generally, however, the forces on both sides are showing restraint and seem keen to avoid escalation.

13. The dangers of "spillover" from the current crisis in Kosovo onto Macedonian territory remain real and pressing, although hitherto, the effects have been contained. There are no officially registered refugees in the country from Kosovo, and observation of border traffic has not shown any unusual increase attributable to the deteriorating situation in Kosovo. Nor has there been any observable change in the pattern or activity in the days following Yugoslav security force operations on 9 August in villages south of Urosevac as close as 15 kilometres to the Macedonian border. Any worsening of the security situation in or around southern Kosovo towns, such as Urosevac or Kacanik, which have hitherto been relatively stable, could however be expected to put additional pressure on the Macedonian border.

14. Persistent reports of the laying of anti-personnel mines by Yugoslav security forces on their side of the border have disturbed the relative calm that has characterized the northern border in recent months. The Macedonian authorities have categorically denied that any mines have been laid on Macedonian territory.

15. Although there are no officially registered refugees from Kosovo, the smaller humanitarian organizations based in Skopje and the principal centres of the ethnic Albanian population have increasingly been reporting requests for assistance from Kosovars staying privately in the country with friends or relatives. Such individuals, for the most part, wish to return to Kosovo as soon as they judge it safe to do so, prefer to avoid officialdom, and are reluctant to approach the authorities with a formal request for asylum, wishing to keep their options open. The numbers of such people staying locally and asking for help are certain to grow if the Kosovo crisis continues to deteriorate. By their nature (they wish to remain out of public view), it is difficult to estimate their numbers, but currently it may be assumed that they amount to some hundreds.

16. In Bosnia and Herzegovina, there are anywhere between 3,000 to 6,000 Kosovo Albanian refugees. Their influx to the Federation of Bosnia and Herzegovina is approximately 50 per week. A small number (100–125) of Croatian Serb refugees in Kosovo are fleeing to the Republika Srpska. Resentment and animosity may result between Kosovo Albanian refugees, displaced persons in the Federation of Bosnia and Herzegovina and Bosnian refugee returnees to majority areas in the Federation of Bosnia and Herzegovina. It may also have repercussions beyond the receiving entity. Recently, one political party in the Republika Srpska voiced criticism about Kosovo Albanian refugees being settled in pre-war Serb villages.

17. The Bosnian authorities have not considered this issue a priority. Pressure had to be applied by the Office of the United Nations High Commissioner for Human Rights and UNHCR in order for the relevant Bosnian and Federation of Bosnia and Herzegovina authorities to address the issue. A policy of non-refoulement and protection has been adopted. There is no doubt that Kosovo Albanian refugees in Bosnia and Herzegovina create social and economic strains, especially in the Federation of Bosnia and Herzegovina. If the number of Kosovo Albanian refugees increases significantly, political repercussions can be expected.

Measures taken by the Organization for Security and Cooperation in Europe

18. In his statement of 30 July, Professor B. Geremek, the Polish Minister for Foreign Affairs and the OSCE Chairman-in-Office strongly urged the cessation of hostilities and exploration of existing avenues of political dialogue. He expressed the view that such dialogue was a prerequisite for finding a solution to this dangerous conflict.

19. A second round of exploratory talks between OSCE and the Federal Republic of Yugoslavia was held on 4 August in Warsaw. The representative of the Chairman-in-Office, Ambassador Jerzy M. Nowak, headed the OSCE delegation, while the Federal Republic of Yugoslavia delegation was led by the Assistant Foreign Minister, Ambassador Branko Brankovic. The objective of the meeting was to continue the exploratory talks initiated in Belgrade on 3 July 1998, which preceded the OCSE technical assessment mission to the Federal Republic of Yugoslavia carried out from 14 to 22 July 1998, to facilitate the mission of Mr. Felipe González as Personal Representative of the Chairman-in-Office for the Federal Republic of Yugoslavia and to seek ways and means to begin a process of a comprehensive resolution to issues of relevance to relations between the Federal Republic of Yugoslavia and OSCE, including the return of the long-term missions, in particular to Kosovo, in accordance with Permanent Council decision No. 218 of 11 March 1998.

20. The OSCE delegation opened the meeting by expressing the Chairman-in-Office's deep concern over the continued violence in Kosovo. It further expressed disappointment with the lack of follow-up on promises made by President Milosevic to the European Union Troika regarding the cessation of the use of force. Such development of events did not favour improvement of the relations between the Federal Republic of Yugoslavia and OSCE.

21. The Federal Republic of Yugoslavia delegation responded by reiterating its well-known positions. It stressed that the role of the police action in Kosovo was to restore law and order. Ambassador Brankovic said that the police would be able to do away with "terrorist elements" within a period of a few days.

22. The talks led to further clarification of positions between the Federal Republic of Yugoslavia and OSCE, but did not result in any breakthrough. The discussion focused on possible conditions, as well as ways and means, that should precede a decision on the participation of the Federal Republic of Yugoslavia in OSCE, in the light of Permanent Council decision No. 218. The Yugoslav side has not demonstrated any flexibility in terms of accepting the OSCE requirements for the Federal Republic of Yugoslavia's membership in OSCE.

23. In a letter to the Minister for Foreign Affairs of the Federal Republic of Yugoslavia, Mr. Zivadin Jovanovic, dated 6 August, Minister B. Geremek shared the view over the creation of appropriate conditions for dialogue, which should include cessation of hostilities and withdrawal of special police units. He stressed that the crisis in Kosovo could not be overcome by force. Mr. Geremek reiterated OSCE's readiness to assist in a peaceful resolution of the conflict in Kosovo within the framework of OSCE Permanent Council decision No. 218 of 11 March 1998, and on the basis of Conference on Security and Cooperation in Europe/OSCE principles and documents. He explained that this decision in practical terms meant, in particular, efforts to facilitate the missions of Mr. Felipe González (as Personal Representative of the Chairman-in-Office for Yugoslavia) and the re-establishment of the long-term missions in the Federal Republic of Yugoslavia. Minister Geremek stated that there were no signs of improvement and that the situation in Kosovo was deteriorating further, in particular, in the border region between the Federal Republic of Yugoslavia and Albania. The escalation of violence and bloodshed, from whichever side it came, was estimated by Minister Geremek to be both deplorable and inadmissible.

24. In response, Minister Z. Jovanovic, in a letter dated 17 August, expressed his view over the humanitarian disaster, which in his opinion had resulted from actions taken by the "band of terrorists belonging to the so-called KLA". According to Jovanovic's opinion, the refusal of the Albanians in Kosovo to cooperate with KLA had resulted in killings and kidnappings.

Summary and conclusions

25. Since the last days of July, the escalation of the conflict in Kosovo has reached a phase that can be surely described as an apogee of violence and may seriously affect the neighbouring States, burning fragile peace in the Balkans.

26. Advancing humanitarian disaster can foster destabilization in the region of conflict. Furthermore, the lack of credibility of the threat to use international forces caused the Federal Republic of Yugoslavia's continuation of the military offensive resulting in egregious humanitarian abuses in Kosovo.

27. The recent successes of the Serbian security forces in Kosovo seem to be short-lived and do nothing to address the fundamental source of instability there. The refusal of the Belgrade authorities to allow the Kosovo Albanians to play a meaningful role in governing their own affairs, and ongoing abuses of basic human rights are pushing member States of OSCE to accept any kind of solution to the conflict which will assure the end of violence and prevent a possible spillover of the conflict.

28. The Chairman-in-Office's assessment is that the only hope for a peaceful solution is an immediate cessation of the Serbian military offensive and initiation of unconditional negotiations between the Federal Republic of Yugoslavia authorities and widely represented Albanians from Kosovo.

Chairman-in-Office of the Organization for Security and Cooperation in Europe

Warsaw, 20 August 1998

DOCUMENT S/1998/838

Report of the Secretary-General on the United Nations Observer Mission in Angola

[*Original: English*]
[*7 September 1998*]

I. Introduction

1. The present report is submitted pursuant to paragraph 1 of Security Council resolution 1190 (1998) of 13 August 1998, in which the Council, *inter alia*, requested me to submit, by 31 August 1998, a report with recommendations regarding the future role of the United Nations in Angola. It covers developments since my last report of 7 August 1998 [*S/1998/723*].

II. Political aspects

2. In view of the precarious situation in Angola and in an attempt to put the peace process back on track, I asked Mr. Lakhdar Brahimi (Algeria) to visit Angola and some neighbouring countries as my Special Envoy to assess the various aspects of the situation in the country and advise me on the possible course of action. Mr. Brahimi visited Angola from 31 July to 8 August 1998 and travelled to Namibia, Zimbabwe, South Africa and Zambia between 8 and 15 August. The crisis which erupted in the Democratic Republic of the Congo (DRC) prevented my Special Envoy from visiting Kinshasa.

3. During his stay in Angola, Mr. Brahimi held extensive consultations with the Angolan Government, the União Nacional para a Independência Total de Angola (UNITA), the representatives of the three observer States (Portugal, the Russian Federation and United States of America), as well as other parties and personalities concerned, to review the status of the Angolan peace process, to explore ways and means to create an atmosphere conducive to the resumption of a meaningful dialogue between the signatories to the Lusaka Protocol [*S/1994/1441*] and to overcome the current crisis.

4. On 3 August 1998, Mr. Brahimi was received by President José Eduardo dos Santos, who expressed his frustration and deep concern over the dangerous impasse in the peace process, as a result of UNITA's non-compliance with its major commitments under the Lusaka Protocol. In an attempt to improve the political climate, and responding to Mr. Brahimi's appeal, President dos Santos promised to encourage the Luanda media to reduce anti-UNITA propaganda. On the following day, Mr. Brahimi met in Andulo with the UNITA leader, Mr. Jonas Savimbi, who reiterated his commitment to the peace process and promised to send back to Luanda the head of the UNITA delegation to the Joint Commission. Mr. Savimbi claimed that UNITA had transferred some 272 localities to the Government, but the Angolan National Police (ANP) and the Angolan Armed Forces (FAA) had forcefully expelled all UNITA cadres and supporters from 260 of those areas. Mr. Savimbi also claimed that the Angolan authorities intended to dismantle the UNITA party structures and that they had killed, arrested and tortured many UNITA members. The Angolan authorities denied these accusations, arguing that UNITA had actually ordered its members to withdraw from those localities. They also accused UNITA of reoccupying 90 areas it had surrendered, killing during the takeover many Government police officers and other local officials. My Special Envoy impressed upon Mr. Savimbi the urgent need to cooperate fully in the extension of State administration to the strategic localities of Andulo, Bailundo, Mungo and N'harea. In this regard, Mr. Brahimi expressed the view that the sanctions imposed on UNITA by the Security Council were not likely to be lifted or reduced unless UNITA fully honoured its commitments. Mr. Brahimi strongly urged the UNITA leader to proceed with the effective demilitarization of its armed forces, an indispensable element of the Lusaka Protocol.

5. A few days later, hostile propaganda in the Angolan State media was slightly reduced, while the head of the UNITA delegation to the Joint Commission returned to

Luanda on 6 August 1998 after a few months' absence. At the meeting held by the Joint Commission on 7 August, UNITA presented new proposals on the extension of State administration to the four strongholds by 15 October 1998. The Government made a counter-proposal, which called for the full demilitarization of UNITA, the installation of its leadership in Luanda and the extension of State administration to the four localities by 31 August. On the basis of these two proposals, the Officer-in-Charge and the Force Commander of the United Nations Observer Mission in Angola (MONUA), Major-General Seth Kofi Obeng, in consultation with the representatives of the Troika and New York Headquarters, presented to the parties a compromise programme of activities which set 15 September 1998 as the deadline by which Andulo, Bailundo, Mungo and N'harea should be transferred to the Government's authority.

6. This programme was also aimed at improving the political atmosphere which is needed to promote genuine dialogue between the two parties, in particular in the areas where State administration had been established, and stabilizing the security situation throughout the country. To achieve these goals, the programme called for: the implementation of a number of pressing measures, including the reduction of hostile propaganda; the return of senior UNITA officials to Luanda; the return of both local Government authorities and UNITA functionaries to the areas which they had left as a result of the deterioration of the security conditions; and the immediate cessation of all acts of violence and the determination of the modalities for the rapid conclusion of the demilitarization process. While the Government expressed its willingness to accept this programme, UNITA rejected its provisions about the conclusion of the demilitarization process. In this connection, UNITA recalled that it had twice made declarations on the demilitarization of its forces.

7. During his visit to the countries of the region, my Special Envoy met with several leaders, including the Prime Minister of Namibia, Mr. Hage G. Geingob, the President of Zimbabwe, Mr. Robert Mugabe, the Vice-President of South Africa, Mr. Thabo Mbeki, the President of Zambia, Mr. Frederick Chiluba, and other senior officials. While soliciting their views on the situation in Angola as well as the future role of the United Nations in that country, Mr. Brahimi impressed upon the leaders of the Southern African Development Community (SADC) with whom he met, the need for SADC to enhance its direct support to the Angolan peace process. The SADC leaders expressed mounting concern at the dangerous deterioration of the situation in Angola which might further jeopardize stability in the region, as well as their readiness to consider a more active role in resolving the current crisis. At the same time, Mr. Brahimi's interlocutors were unanimous in supporting a continued United Nations presence in Angola and felt that the current crisis in the Democratic Republic of the Congo was likely to seriously affect the situation in the country. While the Government of Angola made several public statements explaining the reasons for its involvement in the Democratic Republic at the request of President Laurent-Désiré Kabila, UNITA issued a communiqué deploring the intervention and claiming that it also "had interests to protect" in that country.

8. The continued absence of many senior UNITA members from the capital and subsequent return of the hostile anti-UNITA tone in the Luanda mass media have compounded the general situation in the country. Equally, the declaration made on 24 August by the UNITA leadership concerning the severance of "all cooperation with the Troika countries" for allegedly being partial in the peace process also contributed to the growing tensions. However, despite that statement, a UNITA delegation participated in two follow-up meetings of the Joint Commission, which were attended by the representatives of the three observer States.

9. On 31 August 1998, the Angolan authorities decided to suspend UNITA members from the Government of Unity and National Reconciliation and from the National Assembly because of UNITA's non-compliance with its commitments under the Lusaka Protocol. It should be noted that the contacts between the Government and UNITA have virtually ceased at the local level and are currently limited to interaction in the Joint Commission in Luanda.

10. In a related development, Mr. Jorge Valentim, who was suspended by the Government, together with other UNITA members in the Government of Unity and National Reconciliation, made a press statement in Luanda on 2 September 1998 to the effect that a number of UNITA senior members had decided to form a group with the objective of "democratizing" UNITA; this new group has created a "temporary leadership" of the party and will continue with the implementation of the Lusaka Protocol. In a communiqué dated 3 September 1998, the Government of Angola expressed its support to the group and called on the international community to recognize it. Subsequently, the new group, which calls itself the Renovation Committee of UNITA, appointed a new head of the UNITA delegation to the Joint Commission to replace Mr. Samakuva, who has reportedly left Luanda for Lisbon. The newly established Committee is also requesting the convening, with its participation, of an urgent meeting of the Joint Commission. In the meantime, the Government insists that MONUA should cease its contacts with Mr. Savimbi and has warned the United Nations of the possible intensification of military operations throughout Angola.

11. In the meantime, I have decided to appoint Mr. Issa B. Y. Diallo (Guinea) as my new Special Representative for Angola. Mr. Diallo, who arrived in Luanda on 28 August 1998, joined me in Durban, South Africa, on 31 August to attend the Summit of the Movement of Non-Aligned Countries.

12. During the Summit, I held extensive discussions on the situation in Angola with President dos Santos and SADC leaders, as well as the Secretary-General of the Organization of African Unity (OAU). The President of Angola reiterated his commitment to the Lusaka Protocol, but strongly deplored the current dangerous impasse created by UNITA's non-compliance with its obligations under the Protocol. The SADC leaders were deeply concerned at the worsening situation and its possible spill-over

into neighbouring countries. Most of them confirmed their readiness to increase their support to the restoration of peace in Angola and the full implementation of the Lusaka Protocol. The SADC leaders, who were expected to consider the Angolan issue at their meeting in Victoria Falls, Zimbabwe on 7 September, called for a continued presence of the United Nations in Angola to assist its people in promoting national reconciliation.

III. Military and police aspects

13. In the meantime, the security situation in the country remained very tense. UNITA forces continued to threaten the positions of FAA and ANP in Uige, Cuanza Norte, Malange, Lunda Norte, Lunda Sul, Moxico and Bié provinces. Furthermore, UNITA forces seem to have embarked upon a systematic campaign to regain control over some diamond-mining areas and attacking settlements in Malange and Lunda Norte provinces. Subsequently, government troops have launched counter-attacks and claim to have retaken several localities after intense fighting. The Government also claims that scores of civilians were killed as a result of these operations, which were started by UNITA on 7 August. While MONUA has been prevented from visiting the affected areas on the pretext of concerns for the safety of its personnel, MONUA team sites in the areas of Luzamba and Malange reported that some injured FAA soldiers had been evacuated to Luanda.

14. Meanwhile, reinforcements of FAA and ANP continued to arrive in these vital areas. In addition to reinforcing the diamond mining locations, they have resorted to laying protective minefields around their positions in the towns of Luena, Saurimo, Malange, Quibaxe, Uige and Kuito. On the other hand, MONUA continues to report intensive mine laying activity conducted by UNITA, as well as numerous attacks and ambushes perpetrated by its "residual" forces against the civilian population and local government officials. Both parties continued to concentrate their forces in other strategic locations, and large movements of government troops were observed in areas along the border with the Democratic Republic of the Congo, presumably in connection with their operation in that country.

15. The escalation of tensions in Angola has seriously affected the activities of MONUA. However, the Mission continued to monitor, to the extent possible, the military and security situation and to investigate allegations, despite lack of cooperation on the ground and restrictions imposed on the movement of the United Nations police and military observers. The recently relocated United Nations team sites have to rely mostly on air or ground patrols, operating under the protection of the United Nations troops. In view of the high number of ambushes and new mine-laying, additional protective measures have been taken to ensure the security of United Nations personnel, which include restrictions concerning road movements. At the same time MONUA has continued, whenever possible, to extend its assistance in the provinces to United Nations programmes and agencies in order to allow them to carry out essential humanitarian tasks. The strength of the military component of the Mission now stands at a total of 724 personnel, with three infantry companies (414 personnel), a helicopter, medical and signals units, 90 military observers and 41 staff officers. The strength of the civilian police component (CIVPOL) currently stands at 401 observers.

IV. Human rights aspects

16. During the reporting period, the human rights situation has further worsened. The increase in military operations has resulted in a rise in the number of reported human rights violations, particularly in Lunda Norte and Malange provinces. These have included summary executions, as well as numerous attacks against the civilian population and local officials. The mass killings of at least 105 individuals and the injuries to numerous inhabitants of the mining settlement of Bula (Lunda Norte province) by unidentified elements on 21 July constituted the most serious incident and continues to be under MONUA's investigation. The attacks on Cambo-Sungingi and Cunda-Dia-Baze in Malange by heavily armed individuals on 7 and 8 August resulted in numerous deaths, including the summary executions of at least nine individuals, three of whom held foreign citizenship. The armed attacks have generated an increased flow of internally displaced persons, some of whom suffered further abuses and harassment, including theft of their belongings, at the hands of armed elements belonging to the two parties.

17. Various allegations continued to be received of abuses committed against UNITA demobilized soldiers, UNITA officials and other perceived sympathizers. Arbitrary arrests, torture or harassment and even cases of "disappearance" and deaths in custody following arrest continued to be investigated by MONUA, particularly in Cuanza Norte, Uige, Lunda Sul and Bié provinces. Human rights violations have also been reported in the context of renewed recruitment efforts by both sides in many parts of the country. However, lack of access to UNITA-controlled areas made it very difficult to investigate allegations against UNITA, and has prevented discussion about how to promote human rights throughout the country.

18. At the same time, the issues relevant to human rights continued to be considered in the Joint Commission which, on several occasions, stressed the importance, even in the current difficult period, of strengthening the system of justice. Also, the Joint Commission welcomed the fact that there was a willingness and openness by those involved to work with MONUA in this important area.

V. Humanitarian aspects

A. *Relief and rehabilitation*

19. The political impasse, the deteriorating security conditions and natural calamities have had a major impact on the humanitarian situation in Angola, with the total number of affected population growing daily. Since the

beginning of 1998, more than 142,000 new internally displaced persons (IDPs) have been registered, out of which 108,000 have received assistance from the humanitarian community. The total number of new and old IDPs is estimated at 1.3 million. Displacement of civilian population is occurring in areas which were previously not affected, including in Kwanza Sul, Namibe and Cunene provinces. The current humanitarian situation is not likely to improve rapidly, in view of the fact that these new IDPs have been forced to leave their places of origin without their belongings, tools and seeds. As a result, the majority of IDPs will not be able to cultivate crops during the current planting season, hence perpetuating the vicious circle of dependency on humanitarian assistance.

20. Furthermore, several thousands of the Angolan people are reported to have fled to the neighbouring countries of Zambia, Namibia and the Democratic Republic of the Congo. At the same time, the current conflict in the latter country has also led to an influx of Congolese to the northern areas of Angola.

21. The outbreak of a meningitis epidemic, mentioned in my previous report to the Council [*S/1998/723*], has not been contained and is now spreading rapidly. Lack of access to the affected populations, especially in Malange, Bié and Huambo provinces, has prevented the humanitarian community from carrying out effective vaccination campaigns and from providing timely medical assistance. In addition, insufficient rainfall at crucial stages of crop development has resulted in severe drought and crop failure, threatening civilian populations with hunger in the southern provinces of Cunene and Cuando-Cubango.

22. Although medical supplies and food stocks available to the humanitarian community are sufficient to respond to the current caseload, actual provision of humanitarian assistance has been limited owing to prevailing insecurity. Several indiscriminate attacks perpetrated recently against civilians and relief workers have led MONUA to advise United Nations agencies and non-governmental organizations (NGOs) to restrict their movements and to remain mostly in provincial capitals. Consequently, there has been a substantial decrease in the capacity of humanitarian organizations to assist those in need. The drawdown of MONUA's formed military units has resulted in a further decrease of many humanitarian activities, which had previously been escorted by MONUA. In view of the high level of insecurity and the need for protection of the United Nations and non-governmental staff, it is important that vital humanitarian operations continue to be escorted by MONUA infantry units to the extent possible.

23. The continuation of humanitarian programmes in Angola is also in jeopardy, owing to the poor response to the 1998 inter-Agency Consolidated Appeal and other funding mechanisms. Pledges and contributions total only 36.9 per cent of the $91 million requested. United Nations agencies and NGOs lack sufficient resources to support their long range programmes. These include transportation of humanitarian cargo, support to over 1 million IDPs, as well as health and nutrition programmes for vulnerable groups. Some humanitarian organizations such as the International Organization for Migration (IOM) are considering closing down their operations in Angola. It is important that the donor community continue to contribute generously to the programmes in the country in order to support at this crucial time not only the civilian population in need but also the whole peace process.

B. *Demining*

24. The deterioration of security conditions has had a negative impact on the mine action activities in most parts of the country. Restrictions imposed on the freedom of movement of international staff and provincial government authorities have led to a suspension of all demining operations in Malange, Huambo and Moxico provinces. All demining brigades have been withdrawn and now remain in areas near provincial capitals. Despite the grave humanitarian problem generated by the increase in mine-laying activities, efforts should be made to keep proper mine-field records in accordance with international rules to facilitate the detection of mines when conditions would permit.

VI. Socio-economic aspects

25. There have been no significant changes in the macroeconomic difficulties facing Angola. The high level of inflation, overvalued currency and fiscal deficit remained critical problems affecting the country. Prices of goods and services remain exceedingly high for the average consumer, and there are serious risks that inflation will once again begin to increase rapidly. The gap between the official and unofficial exchange rates continued to widen, discouraging domestic production and leading to a situation whereby foreign currency is used side by side with the national one, in both official and private transactions.

26. The economic difficulties continued to be compounded by the low price of oil on the world market, which affects the overall performance of the economy and the Government's financial resources. With the precarious military situation, the social sector is the most affected by the cuts in public expenditures. Moreover, an increasing number of Angolans continued to suffer from the lack of social services, while unemployment remained high. As a result, the labour force has been increasingly moving into the informal sector.

27. The Government has begun a series of consultations with the International Monetary Fund (IMF) aimed at allowing the Fund to monitor the government medium-term programme for stabilization of economic recovery, which could establish the basis for future operations of IMF in Angola. The Government is also being urged by donors to adopt a structural adjustment programme, and the World Bank, IMF and the United Nations Development Programme (UNDP) continued to assist Angola in capacity-building programmes and economic management.

VII. Financial aspects

28. As indicated in my report of 16 March 1998,[3] the proposed budget for the maintenance of MONUA for the period from 1 July 1998 to 30 June 1999 is estimated at $140.8 million gross, equivalent to a monthly rate of $11.7 million gross. Pending the submission of further recommendations on the United Nations presence in Angola after 30 June 1998, the General Assembly, by its resolution 52/8 C of 26 June 1998, appropriated an initial amount of US$ 43.6 million gross, equivalent to a monthly rate of $10.9 million gross, for the period from 1 July to 31 October 1998.

29. Therefore, should the Security Council decide to extend the mandate of MONUA, as recommended in paragraph 38 below, the balance of the requirements for the maintenance of the Mission, as contained in my report of 16 March 1998, will be sought from the General Assembly at the regular part of its fifty-third session.

30. As at 31 August 1998, unpaid assessed contributions to the Special Account for the United Nations Verification Mission in Angola (UNAVEM) and MONUA for the period from the inception of UNAVEM to 15 August 1998 amounted to $130.2 million. The total outstanding assessed contributions for all peacekeeping operations as at 31 August 1998 was $1,814.6 million.

VIII. Observations

31. Notwithstanding Security Council resolution 1190 (1998) of 13 August, the situation in Angola, as is evident, has continued to deteriorate. It is clear that the current stalemate in the peace process is mainly the result of persisting delays by UNITA in fulfilling its major obligations under the Lusaka Protocol. Despite the strenuous efforts of my Special Envoy, Mr. Brahimi, in cooperation with MONUA, the three observer States and other Governments concerned, including those in the region, tensions in the country have increased sharply, and both parties seem to be preparing themselves for a confrontation.

32. The conflict in the Democratic Republic of the Congo has brought a new dimension to the crisis and complicated further the situation in Angola, as evidenced by the involvement of the Angolan military units in that country. In addition, the recent decision to suspend the UNITA members of the Government and the National Assembly raised doubts about the prospects for national reconciliation, without which there can be no lasting peace.

33. The United Nations is facing a crucial dilemma. With the assistance of the international community, a great deal has been achieved in Angola during the past three and a half years, not least the fact that the country has enjoyed a period of relative peace. However, if the current pervasive insecurity were to continue, the United Nations would be forced to reduce further its presence in Angola. Moreover, MONUA would not be able to remain in Angola in case of a major military confrontation or if the parties, in particular UNITA, were to continue to fail to complete their pending tasks under the Lusaka Protocol, including the full demilitarization of UNITA forces, the extension of State administration throughout the country, the disarming of the civilian population and the pursuit of a genuine democratization process.

34. As my Special Envoy indicated to both sides during his visit to Angola and neighbouring countries, a number of urgent steps need to be taken to restore the peace process and expedite its conclusion. These include the immediate cessation of military operations, the reduction of hostile propaganda and the resumption of cooperation between the Government and UNITA, at the national and local levels. This could obviously be facilitated if both local government authorities and UNITA officials returned to areas which they left recently. The parties must also commit themselves to curbing violence.

35. Simultaneously, it is imperative that UNITA agree to complete the extension of State administration, including in Andulo, Bailundo, Mungo and N'harea. UNITA must also agree to dismantle its "residual" forces without further delay, and to become an effective political party. On the other hand, the Government must establish an effective political and security environment in which UNITA would have no reason to fear the consequences of its transformation into a genuine political party. I should like to emphasize that these requirements should not be interpreted as a suggestion that the Lusaka Protocol be renegotiated, but, rather, as a reaffirmation of the need to respect, fully and sincerely, the letter and the spirit of that agreement.

36. It should also be stressed in this connection that, while the international community understands the calls for a level political playing field and genuine reconciliation, it cannot accept UNITA's continuing claim to maintain its own armed elements and to control parts of the country. National reconciliation can only be achieved through respect for the rule of law and mutual accommodation. It cannot be pursued through half-hearted measures, delaying tactics or false promises.

37. It is in this spirit that I appeal to the Government and UNITA to refrain from any action that is likely to further complicate the already difficult situation in the country. I would also like to remind the Government of its responsibility of ensuring the security of all UNITA members in Luanda and other locations under the Government's control. In the meantime, in view of the prevailing insecurity throughout the country, I have instructed MONUA to further adjust its deployment on the ground; and I urge the parties to guarantee the security of all MONUA and other international personnel operating in Angola.

38. Having said this, I believe that in the present circumstances the international community should give the Angolan parties an additional chance to return to the peace process. Additional time is also needed to allow my new Special Representative to explore with the Government and UNITA effective ways and means of overcoming the current difficulties. I have instructed my Special Representative to undertake urgent consultations in this

regard with all concerned. On this basis, I propose that the mandate of MONUA be extended until 31 January 1999, on the understanding that the Security Council would conduct a comprehensive review of the situation by the end of November 1998.

39. If, at the time of the November review, it appears that there has been no substantial progress towards full compliance by the parties with their respective obligations under the Lusaka Protocol, MONUA would report this faithfully and clearly identify those responsible for the persisting deadlock. It would then be incumbent upon the Security Council to take the necessary action. In such a case, the reduction of MONUA would be accelerated with a view to closing it down by early February 1999. However, if decisive progress was made by the parties by the end of November, MONUA would be allowed to carry out its mandate. In addition, if, in consultation with the Government and UNITA, it appeared that additional resources would be required to enable MONUA to perform its residual tasks effectively, I would not hesitate to submit to the Security Council recommendations on its reconfiguration, as appropriate.

40. In conclusion, I should like to express my appreciation to the Force Commander of MONUA, Major-General Seth Kofi Obeng, who was designated Officer-in-Charge of MONUA and performed his duties with distinction during one of the most difficult periods in the peace process. I also wish to express my apprecia-tion to my Representative and Regional Humanitarian Adviser for the Great Lakes region, Mr. Berhanu Dinka, who temporarily joined MONUA as Senior Political Adviser, as well as all MONUA personnel, the staff of United Nations programmes and agencies and non-governmental organizations for the courage and dedication they have demonstrated in performing their tasks. Needless to say, I trust that the Government and UNITA will extend to my new Special Representative all the necessary cooperation and support to enable him to assist the parties in achieving national reconciliation and stability.

MAP

MONUA

Deployment as of September 1998

[See map on next page.]

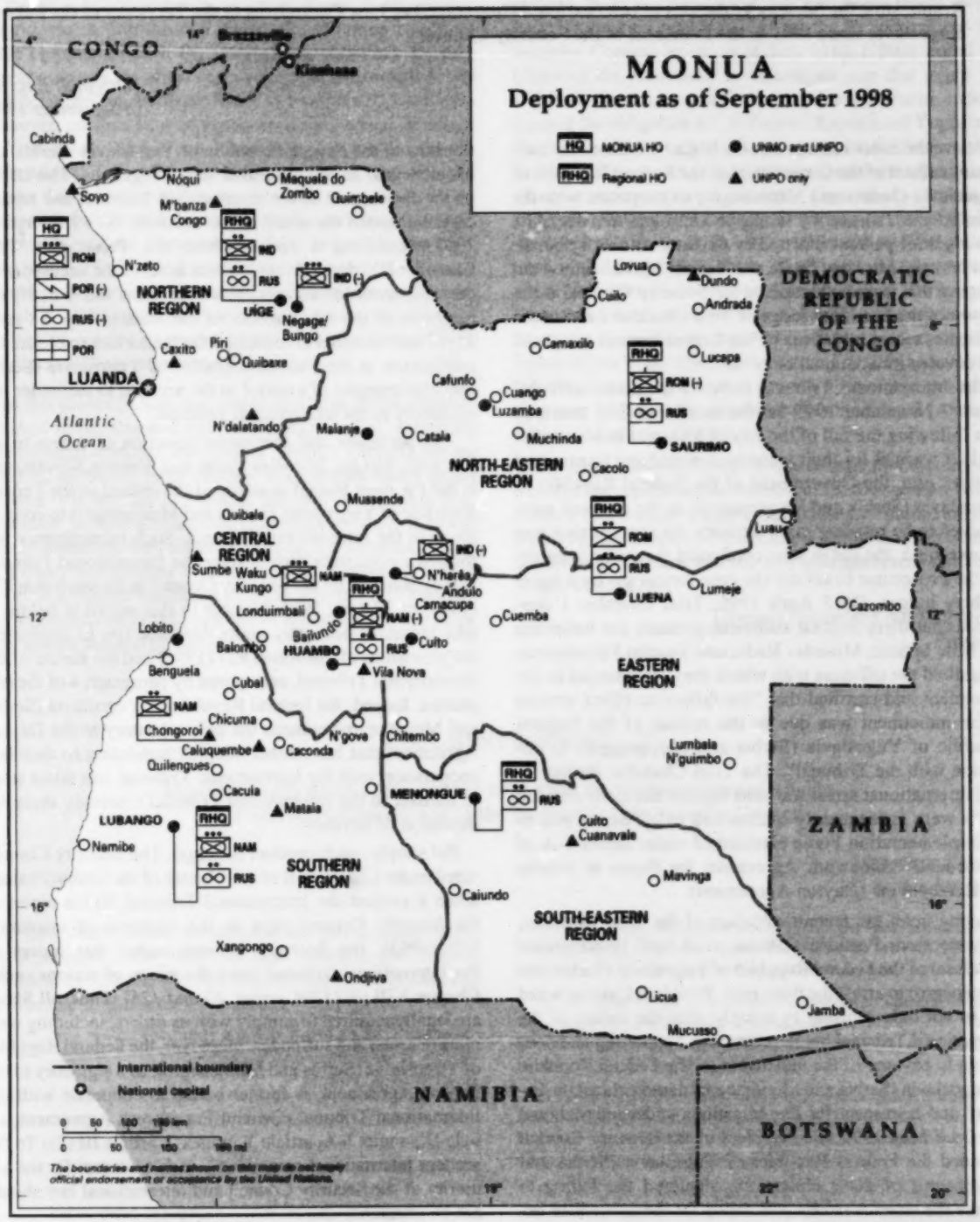
ANNEX

The United Nations Observer Mission in Angola: contributions as at 1 September 1998

	Military observers	*Civilian police observers*	*Staff officers*[a]	*Troops*	*Grand total*
Argentina	–	15	–	–	15
Bangladesh	3	18	1	–	22
Brazil	4	13	2	–	19
Bulgaria	3	20	–	–	23
Congo	2	–	–	–	2
Egypt	3	19	–	–	22
France	3	–	–	–	3
Gambia	–	4	–	–	4
Ghana	3	6	–	–	9
Guinea–Bissau	2	4	–	–	6
Hungary	3	8	–	–	11
India	5	17	8	138	168
Jordan	3	26	–	–	29
Kenya	3	6	–	–	9
Malaysia	4	25	–	–	29
Mali	3	24	–	–	27
Namibia	–	–	2	138	140
New Zealand	3	–	–	–	3
Nigeria	4	21	–	–	25
Norway	3	–	–	–	3
Pakistan	3	–	1[b]	–	4
Poland	4	–	–	–	4
Portugal	4	47	4	80	135
Romania	–	–	4	138	142
Russian Federation	3	–	3	100	106
Senegal	4	–	–	–	4
Slovakia	3	–	–	–	3
Spain	–	14	–	–	14
Sweden	3	19	–	–	22
Ukraine	3	5	1	–	9
United Republic of Tanzania	–	3	–	–	3
Uruguay	3	30	3	–	36
Zambia	3	23	8	–	34
Zimbabwe	3	22	4	–	29
Total	**90**	**388**	**41**	**594**	**1 113**

[a] Including Military Police.

[b] A military specialist in the Demining School.



Map No. 4016 Rev. 8 UNITED NATIONS
September 1998

Department of Public Information
Cartographic Section

DOCUMENT S/1998/839

Letter dated 8 September 1998 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 to the President of the Security Council

[*Original: English*]
[*8 September 1998*]

I have the honour to report to the Security Council the continuing refusal of the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to cooperate with the International Tribunal by failing to arrest and transfer to its custody three persons indicted by the International Tribunal: Mile Mrksic, Miroslav Radic and Veselin Sljivancanin. I am bringing this to the attention of the Security Council at the request of the Presiding Judge of Trial Chamber I and in the context of recent initiatives by the United Nations to uphold and develop international criminal law.

The International Tribunal indicted the three individuals on 7 November 1995 for the murder of 260 unarmed men following the fall of the city of Vukovar in November 1991. A warrant for their arrest was issued and transmitted to, *inter alia*, the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro), as the accused were believed to be residing in its territory. As that warrant was not executed, the judge who confirmed the indictment order the Prosecutor to submit the case for review by a panel of three judges. On 3 April 1996, Trial Chamber I concluded that there existed sufficient grounds for believing that Mile Mrksic, Miroslav Radic and Veselin Sljivancanin committed the offences with which they are charged in the indictment and certified that "the failure to effect service of the indictment was due to the refusal of the Federal Republic of Yugoslavia (Serbia and Montenegro) to cooperate with the Tribunal". The Trial Chamber further issued international arrest warrants against the three accused which were subsequently transmitted to all States and to the Implementation Force established under annex 1-A of the General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Agreement).

Acting upon the recommendation of the Trial Chamber, my predecessor, President Cassese, on 24 April 1996 reported the refusal of the Federal Republic of Yugoslavia (Serbia and Montenegro) to arrest the three men. President Cassese noted that in not only refusing to comply with the orders of the International Tribunal but in promoting, supporting and continuing to pay one of the indicted men, the Federal Republic of Yugoslavia (Serbia and Montenegro) demonstrated its disregard and disrespect for its obligations under international law. On 8 May 1996, the President of the Security Council reminded the Federal Republic of Yugoslavia (Serbia and Montenegro) of those obligations, deplored the failure to execute the arrest warrants and called for the immediate execution of the warrants. He further stated that the Security Council would remain seized of the matter.

Since that date, the three individuals have remained at liberty, alleged to be residing in Serbia. Indeed, the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) have not refuted such allegations. The Office of the Prosecutor of the International Tribunal has repeatedly demanded the arrest of the accused. On 19 December 1997, following a request from the Prosecutor, Trial Chamber II ordered the authorities to serve the accused with the indictment and various other documents and to notify the Registrar of the whereabouts of the accused. On the same day, Trial Chamber II requested the authorities to ensure the publication in the Federal Republic of Yugoslavia (Serbia and Montenegro) of a notice to the accused to surrender immediately to the International Tribunal.

The persistent and continuing rejection of orders to arrest Mile Mrksic, Miroslav Radic and Veselin Sljivancanin is but the most blatant example of the refusal of the Federal Republic of Yugoslavia (Serbia and Montenegro) to cooperate with the International Tribunal. Such intransigence has formed a consistent pattern since the International Tribunal was established by the Security Council in its resolution 827 (1993) of 25 May 1993. Notable in this regard is failure to take measures necessary under domestic law to implement the provisions of resolution 827 (1993) and the statute of the International Tribunal, as required by paragraph 4 of the resolution. Indeed, the Federal Republic of Yugoslavia (Serbia and Montenegro) remains the only signatory to the Dayton Agreement that has neither adopted legislation to facilitate cooperation with the International Tribunal, nor taken steps to transfer to the International Tribunal's custody those indictees in its territory.

Put simply, such conduct is illegal. The Security Council acted under Chapter VII of the Charter of the United Nations when it created the International Tribunal. In his report to the Security Council prior to the adoption of resolution 827 (1993), the Secretary-General noted that orders of the International Tribunal have the status of actions under Chapter VIII [*S/25704, paras. 23 and 125*]. Thus, all States are legally required to comply with its orders, including warrants of arrest and surrender. Moreover, the Federal Republic of Yugoslavia (Serbia and Montenegro), as a signatory to the Dayton Agreement, is further bound to cooperate with the International Tribunal (General Framework Agreement, article IX; annex 1-A, article X; annex 7, article III (2)). In the modern international community, such contempt for the authority of the Security Council and international law should not be countenanced.

The Security Council created the International Tribunal, determining that such a measure was appropriate and necessary to bring about the restoration of international peace and security. The achievement of this goal – and thus of the

International Tribunal's mandate – respectfully requires the complete support of the Security Council. States, collectively and individually, have assisted the International Tribunal in the face of recalcitrance by other States in the former Yugoslavia, acting through multinational armed bodies to force compliance with the International Tribunal. Of particular note was the arrest of an individual who was indicted with Mile Mrksic, Miroslav Radic and Veselin Sljivancanin. However, no such situation pertains in the Federal Republic of Yugoslavia (Serbia and Montenegro). Accordingly, the International Tribunal is dependent on the Security Council to take the necessary action to ensure the compliance of the Federal Republic of Yugoslavia (Serbia and Montenegro). The conduct of the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro), therefore, displays contempt for the Security Council. Not only does the Federal Republic of Yugoslavia (Serbia and Montenegro) consider itself to be outside international law, it has become a haven for fugitives from international law.

In this context, I note that recent measures by the Security Council have demonstrated its commitment to upholding international criminal law. As the Security Council has reiterated, all States must comply with actions taken under Chapter VII and all individuals accused of criminal conduct must be held accountable, regardless of where or under whose protection they reside. Similarly, the adoption in July of a treaty establishing a permanent International Criminal Court is a further indication that the international community is committed to the principle of accountability for those who violate the law of nations.

Closely related to this is the situation in the province of Kosovo. As has been noted by the Security Council, the International Committee of the Red Cross and the United Nations High Commissioner for Refugees, recent events there threaten to destabilize further the Balkan region. The Security Council in its resolution 1160 (1998) urged the Office of the Prosecutor to investigate acts that might fall within the jurisdiction of the International Tribunal. Indeed, it noted the obligation of the Federal Republic of Yugoslavia (Serbia and Montenegro) to cooperate with the International Tribunal. This is particularly relevant considering its record of non-cooperation with Security Council resolutions, in particular those concerning the International Tribunal. The three individuals from the Federal Republic of Yugoslavia (Serbia and Montenegro) who have been charged with serious violations of international humanitarian law have not been arrested almost three years after the issuance of arrest warrants. They have enjoyed impunity and immunity. The lesson of this is not that individuals will be held accountable, but that, through the illegal actions of their Governments, they may be shielded from the international legal process to which all States are bound.

For these reasons, I respectfully submit that it is imperative that the reprehensible conduct of the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) in violating the Charter of the United Nations, resolutions of the Security Council and the Dayton Agreement should no longer be tolerated.

(*Signed*) Gabrielle KIRK MCDONALD
President

DOCUMENT S/1998/847

Identical letters dated 11 September 1998 from the representative of Angola to the Secretary-General and to the President of the Security Council

[*Original: English*]
[*11 September 1998*]

I have the honour to transmit to you a letter dated 10 September 1998 from Mr. Jose Eduardo dos Santos, President of Angola, with the request that it be circulated as a document of the Security Council.

(Signed) Afonso VAN DUNEM "MBINDA"
Permanent Representative of Angola to the United Nations

ANNEX

Letter dated 10 September 1998 from the President of the Republic of Angola to the Secretary-General

As you know, the peace process in Angola has been at a stalemate since the middle of this year, and there are no perspectives of resolving the impasse it now faces because of the deliberate and obstructionist attitude of Mr. Jonas Savimbi, who refuses to comply with the Final Provisions of the Lusaka Protocol, which would put an end to the cycle of war and instability under which Angola has been suffering for several years.

All the efforts made to convince Mr. Savimbi to cooperate with the Government and the international community have yielded no results, nor have all the pressures place upon him by the international community and, in particular, by the Security Council.

For the Angolan people, the evidence clearly demonstrates that Mr. Jonas Savimbi never really adhered to the Lusaka Protocol. It was convenient for him to give the impression that he respected it so as to gain the time he needed to reorganize and equip his military forces.

Mr. Savimbi has already attained this objective and, hence, he has assumed the same attitude that he demonstrated after the multi-party elections held in Angola in 1992.

Mr. Savimbi has again launched a military campaign all over the national territory and has hardened his positions against the Angolan Government, the Troika of Observers and the United Nations themselves. This is an un-

equivocal demonstration that he no longer considers the Lusaka Protocol a valid instrument for the establishment of peace in Angola.

The Government and the Angolan people have no doubt about this and do not at all believe that diplomatic means will now have any effect on Mr. Savimbi's current position.

Given the current Angolan situation, we do not believe it is prudent to again give Mr. Savimbi the benefit of the doubt. This would only lead to false expectations, and we would waste the time we need to take adequate steps.

Given the above-mentioned facts and after a careful analysis, the Government of Angola has decided to break its dialogue with Mr. Savimbi. His behaviour and practices have completely disqualified him as an interlocutor in the Angola peace process and have placed him outside the law.

I would like to inform you that the countries of southern Africa have reached the same conclusions as the Angolan Government and believe that Mr. Savimbi and his military forces are a serious and continuous threat to peace in the subregion as well as in Central Africa; therefore, it is necessary to unite means, actions and forces in the region so as to combat and neutralize the war machine of the União Nacional para a Independência Total de Angola (UNITA).

Fortunately, the positions of the Angolan Government on the question of peace in Angola coincide with those of a large group of UNITA political and military leaders, who have a profound knowledge of Mr. Savimbi's strategy. Their patriotism has led them to break away from their leader, whom they have removed from the leadership of the party. They have created a Renovation Committee that has provisionally assumed this mandate position until the party holds its Congress, to be scheduled this year.

The Renovation Committee has decided to assume the position of interlocutor with the Government, the Troika of Observers and your Special Representative in the peace process.

The Angolan Government has decided to recognize the UNITA Renovation Committee as the only legitimate interlocutor for the conclusion of the Lusaka Protocol.

I request that you not hesitate to support the positions of the Angolan Government and those of the UNITA Renovation Committee, for this is the only way to give the peace process a new thrust, capable of leading it to its conclusion.

I am sure that you and the members of the Security Council will understand the new political context in Angola, and I would like to request that you have the present letter circulated as a document of the Security Council.

(*Signed*) Jose Eduardo Dos Santos
President of the Republic of Angola

DOCUMENT S/1998/849

Report of the Secretary-General on the situation concerning Western Sahara

[*Original: English*]
[*11 September 1998*]

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1185 (1998) of 20 July 1998, by which the Council extended the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 21 September 1998. The Council also requested me to report to it every 30 days on the progress of the implementation of the settlement plan for Western Sahara [*S/21360 and S/22464*] and the agreements reached between the parties, the Kingdom of Morocco and the Frente Popular para la Liberación de Saguía el-Hamra y del Río de Oro (Frente POLISARIO), under the auspices of my Personal Envoy, Mr. James A. Baker III [*S/1997/742, annexes I to III*]. The present report covers developments since my previous report to the Council dated 18 August 1998 [*S/1998/775*].

II. Developments during the reporting period

A. *Identification process*

2. During the month of August 1998, the identification of all applicants from tribes other than the H41, H61 and J51/52 tribal groupings drew to a close. As announced by MINURSO in a press release issued on 3 September 1998, all applicants from tribal groups other than H41, H61 and J51/52 have been convoked and their identification may now be regarded as complete, with the exception of those few cases mentioned in paragraph 3 below. Thus, as at 2 September, a total of 147,350 applicants had been interviewed by the Identification Commission, including 60,112 during the first phase of the process from August 1994 to December 1995 and 87,238 since its resumption on 3 December 1997. During September, the Identification Commission will continue the review of identification files, with a view to finalizing the provisional voters list.

3. During the latter part of August, the Moroccan authorities reiterated their refusal to identify in Mauritania persons who had registered in the Tindouf camps in Algeria. In addition, they did not submit to MINURSO expected proposals as to the date and place of convocation of several hundred registered applicants resident abroad. The applicants concerned, in Mauritania and resident abroad, could use the appeals process in order to seek inclusion in the voters list.

4. No proposals have been forthcoming from either party that would permit the resumption of identification of applicants from tribal groupings H41, H51 and J51/52. This issue remains therefore the major outstanding problem in the identification process. My Special Representative, Mr. Charles F. Dunbar, continues to seek ways of breaking the deadlock.

B. *Military aspects*

5. As at 10 September 1998, the strength of the military component of MINURSO stood at 453 observers and other military personnel (*see annex*). This includes the en-

gineering and demining units deployed in accordance with Security Council resolution 1148 (1998) of 26 January 1998. Under the command of Major-General Bernd S. Lubenik (Austria), the military component of the Mission continues to monitor the ceasefire between the Royal Moroccan Army and the Frente POLISARIO forces, which came into effect on 6 September 1991. The MINURSO area of responsibility remains calm, and there have been no indications that either side intends to resume hostilities.

6. The MINURSO formed military units (FMUs) deployed the remainder of their personnel and equipment to the Mission area in early August, in accordance with the provisions of the military agreement between MINURSO and Morocco of 23 July 1998. The Royal Moroccan Armed Forces have abided by the agreement and have been very helpful during the reporting period in providing transportation, recovery and logistical assets to the FMUs, as well as in the provision of mine and unexploded ordnance information.

7. The engineering support unit from Pakistan continued with its construction work for logistical and accommodation purposes, in order to prepare for and support the full deployment of MINURSO. The demining unit from Sweden proceeded with the demining of those areas needed for the future deployment of United Nations civilian and military personnel. Demining of sites for the repatriation of refugees eligible to vote and their immediate families, as well as other Saharans resident outside the Territory, was also started. However, demining cannot be completed until arrangements for the implementation of the repatriation programme are finalized between MINURSO and the two parties. In the meantime, the Swedish unit will have completed the demining activities required thus far, by the time its contract expires on 25 October 1998. Arrangements will have to be made in due course, in order to complete the demining tasks related to the repatriation programme.

8. In spite of the progress made, the operational capabilities of these FMUs remain constrained, as their communication equipment has yet to be released by the Moroccan authorities from Laayoune airport.

9. During the reporting period, the Secretariat received positive replies from Algeria and Mauritania to its comments on their earlier responses to the draft status-of-forces agreement on MINURSO. It is expected that the agreements with these two Governments may be signed shortly. A reply to the draft status-of-forces agreement was received from Morocco and is currently being reviewed by the Secretariat.

C. *Civilian police aspects*

10. The strength of the civilian police component of MINURSO remains at 81 police officers, under the direction of the Civilian Police Commissioner, Chief Superintendent Peter Miller (Canada). The civilian police component completed the greater part of its mandate of assisting the Identification Commission. However, it continues to collaborate with the Office of the United Nations High Commissioner for Refugees (UNHCR) in the planning process for the repatriation of refugees, and to participate in the MINURSO working group on legal and administrative issues relating to the transitional period.

D. *Preparatory work for the repatriation of Saharan refugees*

11. During the reporting period, UNHCR continued with its preparatory work for the repatriation of Saharan refugees as provided for under the settlement plan. In the Tindouf camps of Algeria, 31,000 refugees have been pre-registered thus far, and at Zouerate and Nouadhibou in Mauritania, 23,000 persons have been pre-registered. The exercise was completed in Mauritania on 1 September and is expected to be completed in Algeria by the end of October 1998. During the pre-registration exercise, UNHCR also continued its refugee needs assessment and information-sharing activities.

12. Road reconnaissance in the Territory, east of the berm, was completed on 1 September 1998 and information was provided to MINURSO to start demining activities of repatriation routes and sites in those areas. A hydrological survey was conducted in the Territory east of the berm by UNHCR's implementing partner from 15 to 28 August 1998. Further studies are required, using satellite imagery, before a water development project is finalized.

13. A UNHCR mission visited Laayoune from 26 August to 4 September 1998 to continue discussions with my Special Representative on a number of issues for coordination purposes, including participation in the MINURSO working group on legal matters and administrative issues. However, despite Morocco's decision to formalize the presence of UNHCR and allow it free access in the Territory, UNHCR still awaits the designation of technical counterparts to undertake a joint mission to the Territory.

E. *Other aspects*

14. The Independent Jurist for Western Sahara, Mr. Emmanuel Roucounas, visited the mission area during the last week of August as planned. He met with the POLISARIO Coordinator with MINURSO at Tindouf and received a new list of Saharans alleged to be detained by Morocco for political reasons. He then met with Moroccan officials in Rabat and informed them of this new list, which has since been transmitted to them by my Special Representative. With regard to the list of presumed political prisoners and detainees which was submitted to Morocco in January 1997, the Moroccan authorities informed the Independent Jurist that they had no further specific information on individual cases. However, the Independent Jurist was assured that Morocco would cooperate in these matters in accordance with the settlement plan, and in greater detail within the framework of the transitional period. Other discussions were held in Laayoune with my Special Representative and his staff.

III. Administrative and financial aspects

15. The problem of identifying a site for the deployment of the engineering support and demining units from Pakistan and Sweden, and for the storage of their equipment and ammunition, caused considerable delay earlier this year. The site only became available in early May, and the related construction was completed in August, resulting in financial requirements for the financial year beginning in July 1998. As arrangements had yet to be concluded with the Moroccan Government for occupancy of the site at no cost to the United Nations, MINURSO was obliged to enter into direct contractual obligations with the owner of the site and to pay a monthly rent, with the hope that it can be recovered from the Government in due course.

16. Despite assurances from the Moroccan authorities, the Mission continues to be confronted with bureaucratic and procedural problems in customs clearance of much needed items and equipment, including communication materials as indicated in paragraph 8 above. Consultations are continuing between MINURSO and the Moroccan authorities to resolve this issue.

17. As indicated in my report of 16 March 1998,[1] the proposed budget for the maintenance of MINURSO for the period from 1 July 1998 to 30 June 1999 is estimated at $65.1 million gross, equivalent to a monthly rate of $5.4 million gross. Pending the decision of the Security Council on the deployment of additional military and police personnel after 20 July 1998, the General Assembly, by its resolution 52/228 B of 26 June 1998, appropriated an initial amount of $21.6 million gross, equivalent to a monthly rate of $5.4 million gross, for the period from 1 July to 31 October 1998.

18. Therefore, should the Council decide to extend the mandate of MINURSO, as recommended in paragraph 23 below, the balance of the requirements for the maintenance of the Mission, as contained in my report of 16 March 1998, will be sought from the General Assembly at the main part of its fifty-third session.

19. As at 11 September 1998, unpaid assessed contributions to the MINURSO special account for the period since inception of the Mission to 21 September 1998 amounted to $73.3 million. The total outstanding assessed contributions for all peacekeeping operations as at 11 September was $1,761.8 million.

IV. Observations and recommendations

20. I am gratified that the identification of over 147,000 applicants has been completed with the cooperation of the two parties. I am confident that the cases of those few applicants from tribes other than groupings H41, H61 and J51/52 who could not be convoked may be heard during the appeals process provided for in the settlement plan. However, I am concerned that the question of the identification of applicants from those three tribal groupings remains outstanding. It is my hope that the parties will be prepared to resolve the issues surrounding the identification of these applicants, in order to move forward promptly towards a solution of the Western Sahara problem.

21. At the same time, it must be stressed that there are a number of troubling problems which continue to impede progress towards holding a referendum in Western Sahara. Signature of the status-of-forces agreements is long overdue; I welcome the decision of the Governments of Algeria and Mauritania to sign the agreement, and hope that the agreement may be concluded with the Government of Morocco promptly after the Secretariat has completed its review of Morocco's reply. I further hope and expect that the signature of the agreement will lead to a resolution of the problems described in paragraphs 15 and 16 above.

22. While I welcome the agreement of the Moroccan authorities to formalize the presence of UNHCR, I remain concerned that they have yet to take concrete action to enable UNHCR to carry out the necessary preparatory work for the repatriation of Saharan refugees eligible to vote and their immediate families. It is imperative for UNHCR to begin a number of pending activities in the Territory, including confidence-building, infrastructure development and road reconnaissance, in order to complete its preparatory tasks and logistics planning.

23. As noted in my previous report, my Personal Envoy is pursuing his contacts with the parties so that he may assess whether the settlement plan can be carried out in its present form or whether there may be adjustments to it, acceptable to the parties, that would improve the chances of implementing it. If he concludes that, even with such adjustments, the plan cannot be carried out, he will advise me on other courses of action that could be pursued. In order to allow for Mr. Baker's consultations with the two parties to take place, which are now envisaged for late September or early October 1998, and for an assessment of the situation thereafter, I recommend that the Security Council extend the mandate of MINURSO until 31 October 1998.

24. I should like to express my appreciation to my Special Representative and to the Chairman of the Identification Commission, Mr. Robin Kinloch, as well as all MINURSO personnel, for having brought the identification process to this advanced stage despite the difficulties they encountered and for pursuing their efforts towards the implementation of other provisions of the settlement plan. I should also like to express my appreciation to the observer delegation of the Organization of African Unity and its Senior Representative, Ambassador Yilma Tadesse (Ethiopia), for their unfailing support, as well as to the Government of Morocco and the Frente POLISARIO for the cooperation which they have extended in the identification process.

MAP

[*See end of present supplement.*]

ANNEX

United Nations Mission for the Referendum in Western Sahara: contributions as at 10 September 1998

	Military observers	*Staff officers*	*Troops*	*Civilian police observers*	*Total*
Argentina	1	–	–	–	1
Austria	5	–	–	–	5[a]
Bangladesh	6	–	–	–	6
Canada	–	–	–	8	8
China	16	–	–	–	16
Egypt	19	–	–	2	21
El Salvador	2	–	–	–	2
France	25	–	–	–	25
Ghana	6	–	7	10	23
Greece	1	–	–	–	1
Guinea	3	–	–	–	3
Honduras	12	–	–	–	12
Ireland	8	–	–	–	8
India	–	–	–	10	10
Italy	5	–	–	–	5
Kenya	8	–	–	–	8
Malaysia	13	–	–	10	23
Nigeria	5	–	–	10	15
Norway	–	–	–	2	2
Pakistan	5	6	150	9	170
Poland	3	–	–	–	3
Portugal	4	–	–	10	14
Republic of Korea	–	–	20	–	20
Russian Federation	25	–	–	–	25
Sweden	–	4	65	10	79[b]
Uruguay	13	–	–	–	13
United States of America	15	–	–	–	15
Venezuela	3	–	–	–	3
Total	**203**	**10**	**242**	**81**	**536**

[a] In addition to the Force Commander.

[b] Including two national support elements.

DOCUMENT S/1998/857*

Note by the Secretary-General

[Original: English]
[23 September 1998]

The Secretary-General has the honour to transmit to the members of the General Assembly and to the members of the Security Council the third annual report** of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, submitted by the President of the International Criminal Tribunal for Rwanda in accordance with article 32 of its statute (*see Security Council resolution 955 (1994), annex*), which states:

"The President of the International Tribunal for Rwanda shall submit an annual report of the International Tribunal for Rwanda to the Security Council and to the General Assembly."

* Circulated under the double symbol A/53/429-S/1998/857.

** The report is not reproduced in the present supplement; it may be consulted in the files of the Secretariat.

DOCUMENT S/1998/862

Report of the Secretary-General on the United Nations Mission in Bosnia and Herzegovina

[*Original: English*]
[*16 September 1998*]

I. Introduction

1. The present report is submitted pursuant to paragraph 20 of Security Council resolution 1174 (1998) of 15 June 1998. It summarizes the activities of the United Nations Mission in Bosnia and Herzegovina (UNMIBH) since my report of 10 June 1998 [*S/1998/491*] and provides an overview of the activities of the United Nations system in Bosnia and Herzegovina up to 11 September 1998.

2. UNMIBH continues to be led by my Special Representative and Coordinator of United Nations Operations in Bosnia and Herzegovina, Ms. Elisabeth Rehn (Finland). She is assisted in these tasks by Mr. Richard Monk (United Kingdom of Great Britain and Northern Ireland), who serves as Commissioner of the International Police Task Force (IPTF). The authorized strength of IPTF remains at 2,057.

II. Activities of the mission

3. IPTF continues the process of changing its focus from general monitoring to more specialized activities: police restructuring in the Federation and the Republika Srpska, training and advising the police, ensuring freedom of movement, and monitoring and conducting investigations into abuses of human rights by local law enforcement agencies.

Police restructuring

4. In the Federation of Bosnia and Herzegovina (the Federation), there has been some progress in the first phase of police restructuring. The Federation Ministry of Interior was inaugurated on 1 July, following long-delayed agreements between Bosniac and Croat officials on ethnic balance and power-sharing within the Ministry and amendments to the Federation Law on Internal Affairs. In addition, Croat and Bosniac officials reached agreement in canton 4 (Zenica) to create joint police structures in the cantonal Ministry of Interior and in police administration throughout the canton. On the other hand, Croat officials continue to impede the inauguration of police services in cantons 8 (Ljubuski) and 10 (Livno) for reasons described in my report of 10 June 1998 [*ibid, paras. 4 and 5*]. UNMIBH has continued to meet with Croat, Bosniac and Serb officials in these cantons, as well as with Bosniac officials in cantons 1 (Bihac), 5 (Gorazde) and 9 (Sarajevo) to resolve outstanding issues.

5. In preparation for the second phase of police restructuring, which was described in my report of 12 March 1998 [*S/1998/227, para. 6*], IPTF has begun a systematic assessment of the quality of ongoing police reform in the Federation in order to evaluate the extent to which joint police forces are succeeding at breaking down ethnically based, parallel command structures and establishing standards of democratic policing. In addition, UNMIBH has deployed the first 87 IPTF monitors as advisers co-located with high-level Federation police officials at the federal, cantonal and municipal levels of government. Further, the newly created police assessment teams, which were formerly called contract assurance teams, have completed a reference guide on the status of police reform in the Federation and the Republika Srpska, which provides a benchmark from which strategies for the second phase of police reform are currently being devised.

6. There has been less progress in police restructuring in the Republika Srpska, although 13 IPTF monitors have been co-located with officials in the Ministry of Interior and in selected public security centres. Although the Ministry has downsized the police force considerably to 9,767 officers, this figure is still above the agreed ceiling of 8,500 police officers. The Declaration of the June 1998 Luxembourg Peace Implementation Conference called upon the Republika Srpska Government to appoint 400 minority officers by 31 August 1998 and to create a mixed police force based upon the results of the 1997 municipal elections by 31 December 1998. Minister of Interior Milovan Stankovic subsequently discussed a plan for the deployment of "mixed-police sub-stations", which would consist of an equal mix of Serb and non-Serb police in areas designated for the return of displaced persons and refugees. However, both President Plavsic and Minister Stankovic have maintained that the principles underlying the Luxembourg Declaration are inconsistent with the 24 September 1997 principles of police restructuring, as described in my report of 10 December 1997 [*S/1997/966, para. 4*]. With the 13 September elections quickly approaching, Prime Minister Dodik appeared unable to force progress on UNMIBH's plans for minority recruitment, although he has continued meeting with my Special Representative on these issues. UNMIBH intends to pursue police restructuring in the Republika Srpska even more vigorously after the national elections and the appointment of a new government.

7. Future progress in police restructuring will depend increasingly upon the receipt of assistance (in uniforms and equipment) provided through the Trust Fund for the Police Assistance Programme in Bosnia and Herzegovina, which provides funds for technical and material assistance to local police forces. To date, the Fund has received US$ 8,140,046, of which $7,198,069 has been used for programme activities in Bosnia and Herzegovina, and $941,977 for programme support costs. The generous assistance extended by the Governments of Canada, Germany, Japan, Luxembourg, Norway, Switzerland, Italy and the United Kingdom will help sustain the present pace of police restructuring. UNMIBH has completed the initial stage of a review of the

Trust Fund which has uncovered a shortfall of $67 million for the anticipated local police development programmes. I appeal to Governments of other countries to also contribute to the IPTF Trust Fund.

Police training

8. IPTF's training and certification programme continues to help promote principles and practices of democratic policing and the depoliticization of the police as central elements of police reform. In the Federation, 10,344 officers (90 per cent) of the 11,500 authorized officers have completed the week-long human dignity class and 6,397 (55 per cent of the total force) have completed the three-week transitional training class that reviews basic policing skills and elaborates on democratic policing techniques. Completion of these two courses is required for IPTF certification of individual police officers. Certification and issuance of identification cards for the entire Federation police force should be completed by December 1998. Since July 1998, IPTF has conducted background checks for 559 newly recruited officers in the Federation. In the Republika Srpska, 5,793 (68 per cent) of the 8,500 authorized officers have completed the human dignity class, but only 599 (7 per cent of the total) have taken the transitional training class. Under the supervision of IPTF's Specialized Training Unit, 223 Federation police officers have completed training in techniques of crowd control, 711 have completed training in border control and 29 are undergoing a course in basic dog handling.

9. Efforts continue to be made to assist local police in developing modern police academies. The Federation police academy moved to Vraca in July 1998 and will continue to offer basic training to police recruits, as well as IPTF courses in human dignity and transitional training. IPTF has begun cooperating with the federal and cantonal Ministries of Interior to recruit minority candidates to participate in the next police academy class.

10. As described in my report of 8 September 1997 [*see S/1997/694, para. 8*], and in accordance with an agreement with the stabilization force (SFOR) led by the North Atlantic Treaty Organization (NATO), IPTF has begun to evaluate and re-train officers from the Republika Srpska police anti-terrorist brigade. This training will enable officers who successfully complete the IPTF transition training and certification programme to revert from SFOR to IPTF monitoring and be eligible to be recruited into a new organization called the special police service or into local police forces. However, of the 515 officers from the brigade who have undergone an initial review by the International Tribunal for the Former Yugoslavia, 131 will undergo in-depth review as regards their possible involvement in war crimes by IPTF monitors deployed at the Tribunal.

11. Following recommendations of the Peace Implementation Conferences held in London and Bonn and in accordance with Security Council resolution 1168 (1998) of 21 May 1998, UNMIBH has recruited 30 specialist monitors to staff the Drug Control, Organized Crime, and Public Order and Critical Incident Management Units. Officers in these units have now begun to develop training programmes for local police in these areas and conducted some initial training.

12. UNMIBH has recently embarked upon regionally based projects to develop standards for local police performance, including systems for personnel management that would maintain the desired ethnic balance while maintaining good police service, and of including local police in its assessment of the reform. As the Mission continues to develop its internal capacity to manage the full range of information necessary for police reform, it will require material support in these efforts.

Freedom of movement

13. IPTF has continued to promote freedom of movement in and between both entities. Under the traffic control and crime policy, which developed out of the successful implementation of the checkpoint policy [*S/1997/468, para. 5*], IPTF continues to approve fewer than 10 checkpoints per day for the entire country. UNMIBH has begun to encourage local police to replace checkpoints with mobile and foot patrols for normal crime prevention, detection, security and safety-related policing tasks. It also encourages police officials from the Federation and the Republika Srpska to share information and collaborate in investigations.

14. UNMIBH's close cooperation with the Office of the High Representative in introducing common licence plates and vehicle registration documents throughout the country has provided the most significant single advance in freedom of movement. The project is near completion. Interior Ministry authorities in both entities have reported that the distribution of licence plates and documents proceeded more quickly than originally estimated. In order to measure the project's effect on the willingness of the public to travel, IPTF monitored on a daily basis the number of vehicles crossing the inter-entity boundary line at nine different points and compiled statistical data which showed a 100 per cent increase in movements. To account for delays in producing additional licence plates and vehicle registration documents and to minimize problems facing voters in vehicles with old plates during the election period, the Office of the High Representative extended the deadline by which all Bosnian vehicles must bear the new licence plate from 31 August to 30 September.

Weapons inspections

15. IPTF continues to cooperate with SFOR in conducting weapons inspections on police facilities. The frequency of inspections has decreased with the decreasing number of violations. In the period between 20 May and 31 August 1998, 176 weapons inspections were performed: 82 in the Republika Srpska and 94 in the Federation. Weapons were discovered at 14 sites in the Republika Srpska and at 3 sites in the Federation. SFOR confiscated a total 58 weapons, 78 grenades and 1,410 rounds of ammunition.

Cooperation with other international organizations

16. UNMIBH continues to work closely with other international agencies. The Mission cooperated with the Organization for Security and Cooperation in Europe (OSCE) in preparation for the 13 September 1998 elections. It secured the agreement of the Ministers of Interior of both entities for security during the election, monitored security arrangements by the local police for the transport of election material and advised local police on security plans for election day. UNMIBH also continues its close cooperation with the Office of the High Representative and the Office of the United Nations High Commissioner for Refugees (UNHCR) in support of the return of displaced persons and refugees. It works with local police to prepare security plans for assessment visits and return. It has begun to work closely with the Office of the High Representative, SFOR and the European Union Customs and Fiscal Assistance Organization in establishing a single border police that will cover the entire country.

Investigation of human rights violations by local law enforcement personnel

17. In accordance with its mandate to investigate human rights abuses by law enforcement personnel and to report on progress made by the authorities in addressing such abuses, UNMIBH's Human Rights Office has paid close attention to the response of the local police to return-related, politically motivated and gender-related human rights abuses in Bugojno, Stolac, Capljina, Mostar, Doljani, Velika Kladusa, Klisa, Drvar, Gradiska, Kotor Varos and the Brcko Supervisory Area. From 1 January to 1 September 1998, the office opened human rights investigations of 1,487 incidents and closed 629 cases. These cases generally relate to direct abuse by police and other law enforcement agencies, to local police negligence in responding to violations against minorities and to property disputes involving abuses by municipalities, housing and judicial authorities. In response to developments in Drvar and Pale, IPTF created investigation support teams to augment the investigations by the Human Rights Office.

18. On 3 July, the Human Rights Office released a report on 37 return-related incidents in canton 7 (Mostar), including fires, explosions, stoning and harassment against Bosniac returnees in Croat majority areas, which have occurred in Stolac, Capljina, Doljani and Mostar from March through June 1998. The UNMIBH report urged the Minister to ensure the functioning of the Ministry as a unified organization with clear lines of communication, to set up effective oversight mechanisms, to improve the quality of police investigations, to promptly prepare security plans and to introduce concepts of community policing. The response of canton 7 police has been inadequate and few recommendations have so far been implemented. Local police have not arrested any suspects in relation to these incidents. UNMIBH continues to cooperate with the Office of the High Representative in pressing cantonal authorities to take appropriate action.

19. On 17 July, the UNMIBH Human Rights Office also released a report on the response of local authorities to a double murder of Serb returnees and subsequent rioting by Croats in Drvar in April 1998 [*S/1998/491, paras. 23 and 24*]. The investigation found the response of the Drvar police to the murders and riots to have been inadequate and incompatible with their obligations to provide protection to all citizens of Drvar. In a letter to local authorities accompanying the report, the IPTF Commissioner demanded that the Drvar and cantonal police immediately intensify investigation actions and initiate an internal investigation into the response to the riots by the Drvar police. While local police have taken some steps to respond to these demands, including the filing of minor charges against some participants in the riots, compliance has generally been inadequate. UNMIBH is continuing to cooperate with the Office of the High Representative in pressing local authorities for appropriate action, including an independent investigation.

20. Following UNMIBH's investigation into allegations of torture and ill-treatment by Teslic police [*ibid., para. 25*], UNMIBH's Human Rights Office released a report of an investigation into three cases of torture and abuse, which was conducted by a commission established by the Republika Srpska Minister of Internal Affairs. The Commission's finding, that Teslic police officers had abused their authority, led to disciplinary proceedings against 32 police officers and criminal charges against 10 of them. A total of 17 officers were suspended from duty in July.

21. On 23 June, the UNMIBH Human Rights Office established an investigation support team to monitor the local police investigations (including those conducted by a team from the Federation Ministry of Internal Affairs) and to carry out its own independent investigation of a series of murders of Bosnian Croats in the area of Travnik and Vitez in canton 6. IPTF's independent investigative work has led the Federation Ministry investigators to pursue several significant leads not previously considered. The IPTF investigation of these murders is ongoing.

22. Another investigation support team has been deployed to look into activities surrounding the murder on 8 August of the Deputy Chief of the Pale Public Security Centre. On 18 August, the IPTF investigators discovered and obtained the release of seven illegally detained men who had been held in a factory for nine days and were allegedly physically abused by the Ministry of Interior's investigation team. In addition, the seven persons officially charged in the murder have alleged to IPTF that they underwent physical abuse during interrogations by the Republika Srpska police officials. Further information uncovered during the course of the IPTF investigation has revealed other possible misconduct and abuse carried out by the Republika Srpska police during its investigation of the murder. The IPTF investigation of these developments is ongoing.

Civil affairs

23. UNMIBH's civil affairs officers have continued to work closely with IPTF on issues of police restructuring, freedom of movement and human rights. They have helped

to develop a strategy to recruit and return displaced minority police officers into police forces in the Federation and the Republika Srpska. They have served with IPTF in police assessment teams and investigation support teams. In cooperation with the Office of the High Representative, the Civil Affairs Office has overseen the implementation by Bosnian officials of the introduction of the new common licence plate and common registration document. Civil affairs officers have worked closely in the project monitoring increases of freedom of movement across the inter-entity boundary line and across international borders. They have now begun closely cooperating with IPTF and the Office of the High Representative in developing a strategy for a Bosnian border police. They have cooperated with IPTF and the OSCE in preparation for the 13 September 1998 elections.

24. Under the direction of my Special Representative, UNMIBH's Civil Affairs Office has worked closely with United Nations agencies who seek to address the daunting reconstruction needs in Srebrenica. Civil affairs officers continue to cooperate with UNHCR and the Return and Reconstruction Task Force on the question of return of refugees and displaced persons. The Civil Affairs Office's good offices enabled Bosniac authorities in Gorazde and Serb authorities in municipalities surrounding Gorazde to reach agreement on economic cooperation and on mutual assistance in emergency situations.

25. The civil affairs training unit has processed over 700 IPTF monitors since 1 June 1998 through induction-level courses on Bosnian history, politics, the culture of negotiation and cooperation with other international agencies. It has developed a new elections monitoring module and has begun cooperating more closely with the IPTF Internal Training and Support Section in standardizing and improving the overall level of instruction in UNMIBH training. It has continued an extensive field familiarization programme for the newly arriving civil affairs officers and has begun producing reference material for IPTF and civil affairs offices throughout the Mission. The training unit has also organized workshops on Serb issues and Bosnian property law for civil affairs, IPTF and human rights officers, as well as a presentation on the 13 September elections for all UNMIBH staff by the Head of the OSCE mission in Bosnia and Herzegovina.

Judicial system assessment

26. By its resolution 1184 (1998) of 16 July 1998, the Security Council approved the establishment by UNMIBH of a programme to monitor and assess the court system in Bosnia and Herzegovina as part of an overall programme of legal reform coordinated by the High Representative. During the reporting period, UNMIBH made progress in establishing the programme, known as the Judicial System Assessment Programme.

27. My Special Representative has discussed the new mandate with judicial authorities and legal associations in the Federation and the Republika Srpska, who have welcomed the programme as central to judicial reform. UNMIBH has continued its close cooperation with other international agencies in developing the programme. On the basis of an exchange of letters between myself and the Secretary-General of the Council of Europe at the beginning of 1998, a Council of Europe consultant has advised UNMIBH on the formulation of a methodology for operations of the programme.

28. UNMIBH has completed its selection of 18 international lawyers and 8 local lawyers for the programme and they are expected to join UNMIBH shortly. Preparations are already advanced for an initial three-week training in the political context and legal systems of Bosnia and Herzegovina upon their arrival. Legal experts from Bosnia and Herzegovina and from the Council of Europe have indicated their willingness to provide training on the Bosnian legal systems and on the European Convention. Senior officers within UNMIBH have been fully acquainted with the plans for operations of the programme and details of its organizational relations with other parts of the Mission. Plans have been made to coordinate the programme's activities with the daily work of IPTF and civil affairs.

Trust Fund

29. The Trust Fund Unit continued to monitor the implementation of quick impact fund projects in Sarajevo Canton. Additionally, the Unit and UNMIBH Finance made further progress in the financial reconciliation of Trust Fund and quick impact fund projects. On 1 September, UNMIBH reorganized the management of the Sarajevo Trust Fund and the trust fund for the Police Assistance Programme into a single unit.

III. Activities of the United Nations system

30. As described in my report of 10 June 1998 [*S/1998/491*], my Special Representative has continued to focus on the common concerns of the various United Nations agencies operating in Bosnia and Herzegovina, has regularly briefed the agencies on UNMIBH's approach to developments in the country and has given them advice on security in the mission area. The agencies have focused on activities to ease the distress of the present inhabitants of Srebrenica and have maintained their focus on developing educational curricula without hate propaganda in history and language.

International Tribunal for the Former Yugoslavia

31. The International Tribunal for the Former Yugoslavia has the mandate to prosecute persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991. The Sarajevo Field Office, one of three field offices established by the Tribunal, was opened in August 1996 to support the investigative effort of the Office of the Prosecutor in The Hague. As a result of its investigations, the Tribunal has charged a total of 75 persons by open indictments. Following the withdrawal of indictments against 11 of them in May 1998, 21 public indictments are pending against 59 individu-

als, together with a number of sealed indictments. Of the total indictments, 26 persons are in custody with six ongoing trials. The exhumations programme for summer 1998 to gather evidence has shown positive results. About 500 remains have been recovered at seven sites. Clothing and other personal effects have also been recovered for identification purposes. Many of the bodies were found blindfolded and with their hands tied behind their backs, indicating that they had been executed.

International Labour Organization

32. The International Labour Organization (ILO) has continued to focus on training the vulnerable unemployed in construction trades in the north-west of the Federation (funded by the United Nations Development Programme (UNDP)); training the unemployed in electrical and mechanical trades in Gorazde (funded by the Government of Japan and UNDP); promoting micro-enterprise development through the new business development centres near Brcko, Bihac, Banja Luka and Mostar and preparing for the establishment of similar centres around Sarajevo (funded by the Government of Italy and UNDP); and promoting social dialogue (funded by the Government of Italy).

Office of the United Nations High Commissioner for Human Rights

33. The Office of the United Nations High Commissioner for Human Rights, in cooperation with the UNMIBH Human Rights Office, has been conducting a human rights training project for IPTF monitors initiated in June 1998. It also supported the mandate of the Special Rapporteur, Mr. Jiri Dienstbier, and organized his mission to the country from 4 to 9 July. In the field of judicial reform, the Office provided expertise to a team working on reformed criminal codes in the Republika Srpska, monitored war crimes trials and carried out a survey assessing needs in the courts in the Republika Srpska. In addition, staff of the Office supported the work and implementation of the decisions of the national human rights institutions, continued efforts to promote the implementation of gender-related activities in the work of United Nations offices and agencies, and participated in working groups aiming to find solutions to the human rights problems related to the educational system in Bosnia and Herzegovina.

34. My Special Representative and the United Nations High Commissioner for Human Rights have exchanged letters to ensure closer cooperation between the Office and UNMIBH. Under the agreed terms of reference, my Special Representative will exercise operational authority over the daily activities of the Office, which will continue to receive substantive guidance, funding and administrative support from the High Commissioner. The Office of the High Commissioner will continue to support the work of the Special Rapporteur, whose independence will be guaranteed under the new arrangements.

Office of the United Nations High Commissioner for Refugees

35. UNHCR continued its efforts to implement annex 7 to the Dayton Peace Agreement. Since January 1998, some 90,000 refugees and displaced persons have returned to Bosnia and Herzegovina. Almost 50,000 of them returned under the German Government return programme, with returns significantly increasing during the period from June to August 1998. Most of the returnees originate from the Republika Srpska and the majority are currently housed in the Sarajevo and Tuzla areas.

36. The number of returns for the Republika Srpska has increased significantly from 230, reported in June, to 2,440 persons since January 1998. The number of displaced persons who have returned to their pre-war residences in Bosnia and Herzegovina since January is estimated at 9,340. A total of 6,063 refugees and displaced persons have returned to minority areas, with Drvar (estimated at 1,223) and Sarajevo (estimated at 998) recording the highest numbers. In addition, returns are taking place without being registered with the local authorities.

37. UNHCR continued to promote minority return with the declaration of three new "open cities" in the Federation (Ilidza, Zavidovici and Tuzla), bringing the total number of "open cities" to 14. There have now been more than 10,000 minority returns to the "open cities". UNHCR also promoted freedom of movement through about 20 inter-entity bus lines, with some 570,500 persons travelling on them this year.

38. UNHCR continued, together with the Office of the High Representative, to support the entity ministries responsible for the return and support of displaced persons. The two offices also continued to monitor the implementation of the new property legislation passed by the Federation in April 1998. The Republika Srpska National Assembly is expected to pass its property legislation after the September general elections. UNHCR continues to work with the Office of the High Representative and the Council of Europe in assisting both entities in drafting new legislation on citizenship, immigration and asylum. Since June 1998, UNHCR has registered 1,937 asylum-seekers from Kosovo. Some 4,700 refugees from that region are now estimated to be in Bosnia and Herzegovina. UNHCR has responded to their accommodation needs and is supporting the authorities in creating a legal framework concerning asylum-seekers.

United Nations Children's Fund

39. The United Nations Children's Fund (UNICEF) held its mid-year reviews with its sectoral counterparts in the entities. The group found progress in implementation satisfactory and made immediate plans for inter-sectoral cooperation for implementing health, education and psychosocial projects. In the meantime, regular activities continued. In the health area, UNICEF procured vaccines and materials to preserve them. In education, UNICEF prepared mine awareness materials, including printed and

audio-visual segments, to educate children. In the psycho-social area, UNICEF extended support to foster-families to include creation of parent support groups and provision of supplies for foster-families and children in Prijedor and Gorazde. It also extended a project aimed at integrating mentally handicapped children into the regular schools to cover 12 areas in the country. Within its advocacy programme, UNICEF also organized an animation workshop for children in Prijedor, creating an animated film on children's rights entitled "Lighthouse".

United Nations Development Programme

40. UNDP continues to focus its activities on multisectoral area-based development programmes. These programmes combine physical rehabilitation and socio-economic infrastructure with community development efforts, such as housing reconstruction, public works and business development. They create an environment which allows for the return of refugees and displaced persons and their smooth reintegration in the population at large. The programmes increasingly place responsibility for management of the services to local authorities. UNDP's Village Employment and Environment Programme (VEEP) has extended its activities to eastern Republika Srpska. As a short-term bridging measure, VEEP provides limited employment while helping to improve seriously damaged infrastructure and the environment. These activities are combined with vocational training programmes and small-and-medium-enterprise development programmes to ensure sustainability. In addition, UNDP supports capacity and institution-building for gender integration and complements local initiatives for gender equality and the advancement of women in the political, economic and social spheres.

41. Demining responsibilities were officially handed over to the Government in July 1998, thereby establishing the Bosnia and Herzegovina Mine Action Programme, which expands the capacity built earlier by the United Nations Mine Action Centre. The programme operates through the Bosnia and Herzegovina Mine Action Centre in Sarajevo, which is responsible for overall coordination and guidance of mine clearing actions in the country. It also operates through the entity mine action centres, which are responsible for clearing mines in their respective areas. The Government has also deployed nine demining teams throughout the country. The minefield database continues to be updated. UNDP trains managers for the Government who are responsible for implementing the four component programmes (mine awareness, minefield survey, mine clearance and training). In addition, UNDP works jointly with the International Committee of the Red Cross (ICRC) and UNICEF on a mine awareness campaign.

42. The Mine Action Programme is financed by various donors through the UNDP Trust Fund for Mine Clearance, which was instituted November 1997. The programme still faces a funding gap of $15 million, which UNDP is urgently seeking to close.

United Nations Educational, Scientific and Cultural Organization

43. The United Nations Educational, Scientific and Cultural Organization (UNESCO) continued its work in cooperation with other international organizations in developing new curricula for the country's schools. It has also worked with the Ministry of Education of Sarajevo Canton in removing discriminatory material from humanities textbooks in use in the canton. In addition to educational projects noted in the last report, UNESCO is undertaking the rehabilitation of primary and secondary schools in the cantons of Sarajevo and Zenica-Doboj. UNESCO has also cooperated with the Ministry of Education of Podrinje Canton in assessing equipment and furniture needs in the canton schools and will fund them. On 30 July, UNESCO, the World Bank and the City of Mostar simultaneously issued a joint statement on their partnership for the reconstruction of the Old Bridge in Mostar. In September, UNESCO will begin reconstruction of the Tabacica mosque.

The World Bank

44. The World Bank continues to implement a diverse reconstruction and development programme, which remains focused on its three key elements: donor coordination, project implementation and support for the country's transition to a market economy through economic policy advice and budget/balance-of-payment support. After another successful donors' conference held this past May in Brussels organized jointly by the Bank and the European Commission, at which donors pledged a further $1.25 billion to Bosnia and Herzegovina, the Bank has continued to oversee the implementation of the 24 reconstruction projects it has funded together with other donors. Several of these projects are now almost or fully completed, and the Bank is increasingly focusing its efforts on sector and economic reforms which will foster self-sustained growth. In addition, the International Finance Corporation (IFC), the World Bank Group institution which supports the private sector, has stepped up its investments in the country and recently financed a line of credit for woodworking companies.

45. Operations recently approved by the World Bank Board include a second electric power reconstruction project, a forestry project and a public finance structural adjustment credit in both entities, as well as a pilot line of credit for the Republika Srpska. After having funded housing reconstruction in UNHCR target zones, micro-credit and local infrastructure, the Bank is now preparing a local development project to help municipalities obtain credit for priority social and economic infrastructure projects. Other projects under preparation include a banking and enterprise structural adjustment credit to assist the entities in implementing their privatization strategy, a basic health project to establish a cost-effective, community-based primary health-care system and improve health sector management, and a pilot cultural heritage project. This last project will be undertaken in coordination with UNESCO and will fund and oversee the

reconstruction of the Mostar bridge and the restoration of the old town in order to foster reconciliation and enhance multi-ethnic cooperation. The project will also help strengthen the country's capacity to manage its cultural heritage. In addition, the Bank is working closely with UNESCO on a grass-roots employment project in fashion apparel production for displaced and refugee women.

World Food Programme

46. In August, the World Food Programme (WFP) concluded the alignment of beneficiary criteria with government social welfare criteria. Local authorities welcomed the new criteria and implemented them throughout most of the country under close monitoring by WFP staff. The current WFP beneficiary caseload is 253,000, which is approximately 10 per cent of the population. This figure will fluctuate depending upon the situation of refugees, displaced persons, returnees and war-affected people in Bosnia and Herzegovina, but is unlikely to change substantially during the phase-out of WFP's emergency food aid operation in Bosnia and Herzegovina, which is scheduled to be completed by mid-1999. Other agencies, such as International Orthodox Christian Charities, Adventist Development Relief Agency, American Red Cross and Catholic Relief Services, which have food aid programmes in Bosnia and Herzegovina, have also implemented the same criteria, thereby ensuring continuity and avoiding duplication. These agencies cater to approximately 104,000 food aid beneficiaries. Currently, there are major gaps in the food pipeline, with no food available for September or October distribution. WFP is concerned that food aid requirements will not be fully met during the crucial phase-out period of the programme.

World Health Organization

47. The World Health Organization (WHO) continued to support the entities' Ministries of Health in reforming programmes in health-care delivery and preventive health. In the Republika Srpska, health authorities are developing detailed operational plans based on their Strategic Plan for Health Care Reform, approved in May 1997. WHO also helped to develop the Federation's Strategic Plan for health-care reform. Moreover, WHO also continues to promote reconciliation by bringing together health professionals from different ethnic groups on a regular basis. WHO experts continued to train family medicine teams and helped local authorities address key public health issues, such as tuberculosis, HIV/AIDS, vaccination and environmental health.

IV. Observations

48. Changes to UNMIBH's mandate over the past two years reflect a recognition of the importance of peace-building activities for the security and protection of the population, with a focus on reforming civilian police, respecting human rights and strengthening the judicial system. Against this background, UNMIBH's mandate of police restructuring has grown to include independent investigations into human rights abuses by the local police and the identification of technical, institutional and political impediments to achieving a depoliticized judiciary capable of delivering impartial and neutral justice. The quick recruitment of highly qualified legal experts for the Judicial System Assessment Programme was a positive development worth noting.

49. UNMIBH's progress on its central task of police reform will depend in large measure, as noted in Security Council resolution 1174 (1998), on the quality, experience and professional skills of its personnel. The call for highly qualified police officers, which has been reiterated in practically every resolution and document of the Peace Implementation Conference, reflects the way in which police peacekeeping missions should evolve more generally. IPTF continues to require senior officers – from regional commanders to station commanders to those IPTF advisers co-located with the local police leadership – who possess the requisite leadership and management skills and who are well versed in democratic policing practices. UNMIBH's Human Rights Office also needs additional qualified IPTF monitors to undertake independent investigations. IPTF training units require monitors with experience in instruction and course development. As UNMIBH moves to increase its emphasis upon community policing in multi-ethnic communities, the traditional policing skills of IPTF monitors must be augmented by experience in policy assessment, policy development and public administration.

50. The introduction of a common licence plate for Bosnia and Herzegovina has been a major step forward in the implementation of the General Framework Agreement for Peace. The country is no longer rigidly divided into three separate ethnic territories. Movement across the inter-entity boundary line has increased by more than 100 per cent and interactions between the members of the different communities are now common. This progress towards forging a single state out of areas controlled by the three communities needs to be strengthened. The most recent meeting of the Steering Board of the Peace Implementation Conference in Luxembourg [*see S/1998/498*] asked UNMIBH to facilitate the introduction of a State-level border police for Bosnia and Herzegovina. Such a force would replace the single-community police forces that presently control stretches of the international borders of Bosnia and Herzegovina. If successfully deployed, such a force would further strengthen Bosnia and Herzegovina as a State, at the expense of the entities. UNMIBH intends to devote significant resources to this project in the coming months and to work closely with the Office of the High Representative, SFOR and the Customs and Fiscal Assistance Organization to ensure its rapid implementation. As with the licence-plate project, nearby States will be asked to assist with the implementation measures.

51. The period under review illustrates the complex conditions under which UNMIBH is implementing its mandate. The entity Governments have been faced with the prospect of large-scale returns of refugees from abroad as Bosnia and Herzegovina's second post-war national elections are being

held. The election campaign has enabled officials to divert pressure to create multi-ethnic, restructured police services, which are an essential condition for the return of refugees and displaced persons to their homes – especially in areas that are under the de facto control of another ethnic group. UNMIBH's cooperation with UNHCR, SFOR, the Office of the High Representative and the Organization for Security and Cooperation in Europe is essential to progress in these interrelated goals. I would emphasize, as I have done previously, that the strong and consistent support of SFOR will continue to be critically important in providing adequate security arrangements for the successful implementation of UNMIBH's mandate. I also appeal to the Governments of the States members of the Security Council to extend their full support to UNMIBH's efforts to implement the mandate entrusted to it under annex 11 to the Dayton Agreement of creating multi-ethnic police services in the Federation and the Republika Srpska.

ANNEX

Composition of the International Police Task Force as at 10 September 1998*

Argentina	33
Austria	38
Bangladesh	31
Bulgaria	41
Canada	29
Chile	29
Denmark	40
Egypt	34
Estonia	5
Fiji	7
Finland	27
France	125
Germany	163
Ghana	100
Greece	15
Hungary	35
Iceland	3
India	106
Indonesia	22
Ireland	35
Italy	23
Jordan	150
Kenya	11
Malaysia	47
Nepal	41
Netherlands	54
Nigeria	19
Norway	24
Pakistan	96
Poland	32
Portugal	60
Romania	10
Russian Federation	35
Senegal	18
Spain	59
Sweden	50
Switzerland	2
Thailand	3
Tunisia	2
Turkey	27
Ukraine	36
United Kingdom	70
United States of America	193
Total	**1 980**

* The number of civilian police monitors varies owing to ongoing contingent rotations.

DOCUMENT S/1998/876

Letter dated 18 September 1998 from the representative of Austria to the President of the Security Council

[*Original: English*]
[*22 September 1998*]

I have the honour to enclose a letter dated 18 September 1998 from the Vice-Chancellor and Federal Minister for Foreign Affairs of Austria, Mr. Wolfgang Schüssel, addressed to you.

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Ernst SUCHARIPA
Permanent Representative of Austria to the United Nations

ANNEX

Letter dated 18 September 1998 from the Vice-Chancellor and Federal Minister for Foreign Affairs of Austria to the President of the Security Council

I have the pleasure to write to you in my capacity as President of the Council of Ministers of the European Union (EU).

On the occasion of the meeting of the Security Council at the ministerial level on 24 September 1998, the European Union would like to reiterate its deep appreciation to the Secretary-General for submitting his report dated 13 April 1998 on "The causes of conflict and the promotion of durable

peace and sustainable development in Africa" [*S/1998/318*]. The European Union highly values the holistic approach taken in the report, with the central focus on human security and human development. While looking forward to an in-depth discussion of the various aspects raised in the report in the respective United Nations forums, the European Union would like to make the following observations on areas which fall within the purview of the Security Council.

The European Union is fully committed to a proactive policy on conflict prevention and resolution, focusing on preventing the outbreak of violent conflicts at an early stage as well as on post-conflict peace-building and using the full range of policy instruments available. These goals are set out in the European Union's common position on conflict prevention and resolution in Africa and are complemented by the European Union's common position on human rights, good governance, democracy and the rule of law in Africa. Good governance, including the respect for human rights and the rule of law, are crucial elements for an environment in which durable peace, based on human security and human development, is sustained and economic growth promoted.

Early warning must be complemented by early action, such as well-focused diplomatic efforts at early stages in unfolding crises as well as humanitarian assistance and development aid as integral components of early action. The European Union is the largest donor of international humanitarian aid and the world's leading source of development assistance to Africa. We fully endorse the call of the Secretary-General for greater coordination in the provision of humanitarian assistance, which has to be fully consistent with broader United Nations peace and development activities. The European Union reiterates its strong concern for the safety and security of United Nations and related personnel as well as other international personnel, which have to be fully ensured.

The European Union welcomes the statement of the President of the Security Council of 16 September 1998 [*S/PRST/1998/28*], in which the Security Council, having the primary responsibility under the Charter of the United Nations for international peace and security, affirmed, *inter alia*, the need to strengthen Africa's capacity to actively participate in all aspects of peacekeeping operations, including their military, police, humanitarian and other civilian components. We encourage bilateral and multilateral cooperation in the field of peacekeeping, especially capacity-building, between member States, the United Nations and the Organization of African Unity as well as subregional organizations and arrangements in Africa. We are determined to continue our cooperation and assistance, focusing in particular on peace-building and conflict prevention, management and resolution. In this context we intend, *inter alia*, to further develop the consultative mechanism we established with the Organization of African Unity. The European Union welcomes the adoption on 18 September 1998 of Security Council resolution 1197 (1998), which aims at supporting regional initiatives in Africa as well as enhancing coordination between the United Nations and the Organization of African Unity in the field of conflict prevention and maintenance of peace.

The European Union welcomes the Secretary-General's ideas on establishing an international mechanism to assist host Governments in maintaining the security and neutrality of refugee camps and settlements. We are awaiting with the greatest interest the result of the working group of the Security Council established in accordance with Security Council resolution 1170 (1998) of 28 May 1998.

An essential element of conflict prevention is preventing the destabilizing accumulation of arms. The European Union welcomes the efforts to introduce a moratorium on the production and transfer of small arms in West Africa and encourages similar regional initiatives. All African States should participate in the United Nations Register of Conventional Arms and additional confidence-building measures should be elaborated. Effective national control measures on the transfers of conventional arms should be established; illegal arms trafficking should be strictly combated. On 8 June 1998, the European Union adopted a Code of Conduct on arms exports. Anti-personnel landmines have to be cleared and banned.

Sanctions, a tool of the international community in cases of threats to international peace and security, should be better targeted at decision makers and should be more rigorously enforced by the international community. We support the need for effective measures to ensure the strict implementation of arms embargoes and welcome in this context the provisions of Security Council resolution 1196 (1998) of 16 September 1998.

In conclusion, we would like to share with the international community that, in the context of wide-ranging European Union cooperation, we are pleased to host the third in a series of ministerial meetings between the Union and the Southern African Development Community (SADC) in Vienna in November 1998. We are working to enhance our dialogue with other subregional organizations, such as the Intergovernmental Authority on Development (IGAD) and the Economic Community of West African States (ECOWAS). Furthermore, the European Union is currently preparing a summit with the African States in the year 2000.

The primary responsibility for the future of Africa rests with the African people and their leaders. The European Union is committed to assisting the continent on its path to a peaceful and prosperous future.

(*Signed*) Wolfgang SCHÜSSEL
Federal Minister for Foreign Affairs of Austria
and President of the Council of Ministers
of the European Union

DOCUMENT S/1998/883

Report of the Secretary-General on protection for humanitarian assistance to refugees and others in conflict situations

[*Original: English*]
[*22 September 1998*]

I. INTRODUCTION

1. On 21 May 1997, the Security Council met to discuss how to improve protection for humanitarian assistance to refugees and others in conflict situations. The President of the Security Council subsequently issued a statement on 19 June 1997 [*S/PRST/1997/34*] summarizing the conclusions and recommendations of the debate and encouraging the Secretary-General to study the matter further. The present report has been prepared in response to that request.

2. The urgency and importance of addressing this issue should be seen in the context of the ever more violent and volatile environments in which refugees, displaced persons and other victims of conflicts find themselves and in which the United Nations and other humanitarian organizations

are expected to operate. Erosion of respect for humanitarian norms has led to an increase in the number of civilian casualties, aggravated the protection and assistance needs of refugees and others in conflict situations, complicated the task of providing humanitarian assistance and increased the risks faced by humanitarian personnel. Ensuring peace and reconciliation in post-conflict societies has also become more difficult in the wake of massive suffering and cruelty, often leading to renewed tensions and fighting.

3. While the Secretary-General's report of 13 April 1998 on the causes of conflict and the promotion of durable peace and sustainable development in Africa [*S/1998/318*] covered, *inter alia*, the humanitarian dimension of conflicts in Africa, the present report focuses on four specific issues raised by the above-mentioned presidential statement, namely:

- The compliance of State and non-State actors with the provisions of international law, including international humanitarian law, human rights law and refugee law;
- The access of refugees, displaced persons and vulnerable populations in conflict situations to international protection and assistance;
- The safety and security of personnel of United Nations and humanitarian organizations;
- The role of the Security Council in humanitarian operations.

4. Although the paper deals essentially with the role of international organizations in humanitarian operations, the contribution of affected States and the local community in responding to the needs of refugees, displaced persons and other victims in conflict situations needs to be given proper recognition. The importance of supporting local structures and building local capacity for providing humanitarian assistance should not be overlooked.

II. Strengthening compliance with international law

A. *Relevant international legal instruments*

5. A substantial body of international law and principles has been developed to protect civilians, refugees and other vulnerable populations in conflict situations. Although international humanitarian law, refugee law and human rights law are often treated as separate branches of international law, they all have a common goal of protecting individuals from harm and should therefore be considered as complementary.

6. The 1948 Universal Declaration of Human Rights, the International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, the Convention on the Prevention and Punishment of the Crime of Genocide and other important human rights instruments contain provisions, most of which continue to apply even during times of conflict, although there are grounds for derogation from some of the provisions under certain circumstances. Fundamental human rights such as the right to life and the prohibition of torture may however under no circumstances be subject to derogation.

7. Humanitarian law is specifically intended to address humanitarian problems arising directly from international or non-international conflicts by safeguarding the most basic human rights in conflict situations and by limiting the methods and means of warfare. The 1949 Geneva Conventions and the Additional Protocols of 1977 contain well-established norms of international humanitarian law for the protection of civilians and other persons not taking part in the hostilities.

8. The 1951 Convention and 1967 Protocol relating to the Status of Refugees are the principal international instruments concerning the protection of refugees. Instruments such as the 1969 Organization of African Unity (OAU) Convention governing the Specific Aspects of Refugee Problems in Africa and the 1984 Cartagena Declaration on Refugees have been developed to deal with refugee situations at the regional level.

9. The General Assembly in its resolution 52/167 of 16 December 1997 on the "Safety and security of humanitarian personnel", emphasized:

- The need for the international community to assist and protect the affected civilian population, including refugees and internally displaced persons;
- The urgent need to ensure respect for and promotion of the principles and norms of international humanitarian law, including those related to the safety and security of humanitarian personnel;
- The full investigation by States of any threat or act of violence committed against humanitarian personnel.

10. In addition, the representative of the Secretary-General on internally displaced persons, in collaboration with a team of legal experts, has recently developed a set of guiding principles for the protection of internally displaced persons, as noted by the Economic and Social Council at its substantive session of 1998.[4] These principles consolidate the main elements relevant to the protection and assistance for the internally displaced from a wide body of existing international humanitarian and human rights law and, by analogy, refugee law.

B. *Problems of compliance with international law*

11. Although most States are parties to the 1949 Geneva Conventions, not all States have acceded to the Additional Protocols or to the basic international instruments on human rights and refugees. Moreover, those States that have acceded do not always comply with the relevant norms, principles and provisions.

12. While compliance with the rules of international law has been a perennial problem in conflict situations, there is ample evidence which suggests that the situation has dramatically worsened in recent years because of the changing pattern of conflicts. In situations of internal conflicts, whole societies are often mobilized for war and it is difficult to distinguish between combatants and non-combatants. Young children are being recruited and trained to fight in violation of the Convention on the Rights of the Child and the Additional

Protocols to the Geneva Conventions. Civilian populations are being specifically targeted and the forced displacement of civilian populations is now often a direct objective, rather than a by-product, of war. In countries of asylum, the civilian character of refugee camps has been compromised by the presence of armed elements and has become a source of instability and insecurity for refugees, the host community and humanitarian personnel.

13. Many conflict situations have been rendered particularly complex and violent because of the involvement of irregular armed groups, militia, foreign mercenaries, child soldiers, criminals and other disparate groups who have little knowledge of or respect for the rules of international law. Also, there is often a serious problem of political control over the groups, with local commanders being answerable to no one but themselves. As a result, it is difficult to hold parties to the conflict to account when violations of international law take place. Furthermore, as noted in my report on the causes of conflict and the promotion of durable peace and sustainable development in Africa [*ibid.*], many protagonists have a strong material interest in prolonging the conflict and, consequently, little incentive to respect humanitarian norms.

14. A major problem has been the failure of States to bring to justice those who violate the law. The result has been the development of a culture of impunity in which flagrant violations of human rights and humanitarian law continually go unpunished. The setting up of ad hoc international tribunals in the context of the former Yugoslavia and Rwanda and the recent decision to establish the International Criminal Court have been significant developments in the context of ensuring accountability of those who violate international law. It is noteworthy that the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court granted the Court jurisdiction over genocide, crimes against humanity, war crimes and the crime of aggression, although it remains for the contracting States to properly define the crime and set out the conditions under which the Court shall exercise jurisdiction with respect to such crimes. The Court also recognized individual responsibility for the crimes.

III. Ensuring humanitarian access

A. *Humanitarian access and the responsibility of States*

15. Under international law, refugees, displaced persons and other victims of conflict have a right to international protection and assistance where this is not available from their national authorities. However, if this right is to have any meaning for the intended beneficiaries, then the beneficiaries must have effective access to the providers of that protection and assistance. Access to humanitarian assistance and protection, or humanitarian access, is therefore an essential subsidiary or ancillary right that gives meaning and effect to the core rights of protection and assistance. Humanitarian access is, *inter alia*, a right of refugees, displaced persons and other civilians in conflict situations and should not be seen as a concession to be granted to humanitarian organizations on an arbitrary basis. The General Assembly, in its resolution 46/182 of 19 December 1991, affirmed that "humanitarian assistance must be provided in accordance with the principles of humanity, neutrality and impartiality".

16. States have primary responsibility for ensuring that refugees, displaced persons and other vulnerable populations in conflict situations benefit from the necessary assistance and protection and that United Nations and other humanitarian organizations have safe and unimpeded access to these groups. However, States themselves often deny humanitarian access and defend their actions by appealing to the principle of national sovereignty in matters deemed essentially within their domestic jurisdiction. While full respect must be shown for the sovereignty, independence and territorial integrity of the States concerned, where States are unable or unwilling to meet their responsibilities towards refugees and others in conflict situations, the international community should ensure that victims receive the assistance and protection they need to safeguard their lives. Such action should not be regarded as interference in the armed conflict or as an unfriendly act so long as it is undertaken in an impartial and non-coercive manner.

B. *International efforts to ensure humanitarian access*

17. In recent years, humanitarian access has been hampered by general insecurity arising from the conflict, an inability or unwillingness on the part of State or non-State actors to allow such access and, in some cases, deliberate attempts to obstruct humanitarian assistance. The cost in human lives and human suffering has been enormous.

18. International efforts to obtain humanitarian access have taken various forms. The most common means continues to be through negotiations conducted by humanitarian organizations with parties to the conflict, as in the case of Operation Lifeline Sudan or the United Nations operation in Afghanistan. Access has been easier to obtain where all parties have viewed the operation as being impartial, neutral and purely humanitarian. The frequent interruptions of assistance to victims in the Sudan and Afghanistan indicate the difficulties of maintaining humanitarian access even where the parties have agreed on the need for humanitarian assistance.

19. In a number of situations it has not been possible for humanitarian organizations to gain access because of the blatant disregard of international humanitarian principles by the combatants and the deliberate obstruction of assistance to civilians as a major element of their military strategy. In some of these circumstances the international community has resorted to the use of political and military action to gain humanitarian access and ensure the security and effective implementation of humanitarian operations. The special measures have taken different forms, for instance, United Nations peacekeeping forces in Bosnia and Herzegovina and Somalia, United Nations guards in northern Iraq, United Nations-authorized military forces in Somalia, and regional security forces in Liberia, as well as in Bosnia and Herzegovina since December 1995.

20. United Nations peacekeeping forces and other international and regional security forces have often helped to provide security for humanitarian personnel and to improve access to vulnerable populations by, *inter alia*, escorting relief convoys, clearing landmines, rehabilitating roads and bridges, and managing airports. The civilian components of peacekeeping operations have also made significant contributions to humanitarian operations. However, difficulties encountered by the operations have underlined the importance of establishing realistic mandates, clearly defined objectives and proper coordination mechanisms, backed by adequate resources.

21. It is worth noting that the issue of resources is of critical importance not only for the purpose of ensuring access but also for the provision of humanitarian assistance itself. Humanitarian access must be supported by sufficient funds to meet the protection and material needs of refugees, displaced persons and other victims in all phases of an operation.

22. "Safety zones" and "safe areas" have been established by the United Nations in a number of operations to protect vulnerable civilian populations in conflict situations and to improve access for delivery of humanitarian assistance. Unlike "neutralized zones" or "demilitarized zones" authorized under the rules of international humanitarian law and established with the consent and cooperation of the parties to the conflict, the "safety zones" and "safe areas" in northern Iraq, Bosnia and Herzegovina and Rwanda were established by the Security Council, acting under Chapter VII of the Charter of the United Nations. In some situations, for example, Bosnia and Herzegovina, "safe corridors" were established to ensure the safe passage of humanitarian assistance and personnel. The establishment of "safe corridors" was also considered by the Security Council in the context of the then eastern Zaire (Democratic Republic of the Congo) and Burundi.

23. The purpose of "safe corridors" has been to establish access. "Safety zones" and "safe areas" are intended to protect vulnerable civilian populations in conflict situations as well as to improve access for the United Nations and humanitarian organizations. However, safety zones and safe areas can only be effective when the political will of the Security Council is manifested in a credible deterrent pressure to protect the area itself as well as its supply lines.

24. Although security forces have provided valuable support to humanitarian operations, humanitarian organizations have been concerned that the use of the military for humanitarian activities, particularly in the context of Chapter VII operations, compromises their impartiality and neutrality, affects their ability to assist victims on all sides of the conflict and, at times, even leads to increased violence against United Nations and other humanitarian personnel. In the context of Chapter VII operations, therefore, the withdrawal or temporary suspension of activities by humanitarian organizations cannot be ruled out.

25. Clearly, when parties to a conflict deliberately obstruct assistance to civilians as a major element of their respective military strategies, the provision (and protection) of humanitarian assistance, while essential, will not always be viewed by the parties as "neutral". When the international community disrupts their war aims in this manner, they can be expected to react. In such cases, the operation must have sufficient coercive capacity to ensure the implementation of its mandate (e.g., protection of humanitarian assistance and of the population in the area) as well as the safety and security of its personnel.

IV. Security of humanitarian operations and personnel

A. *The nature and causes of insecurity*

26. There has recently been a disturbing increase in the number and scale of direct, calculated attacks or use of force against the personnel of United Nations and other humanitarian organizations. Between 1 January 1992 and 31 August 1998, 153 United Nations international and local staff members lost their lives in the line of duty, 35 of whom were engaged in humanitarian operations. During the same period, 43 incidents of hostage taking of United Nations staff occurred, 25 of which involved humanitarian personnel. At least 23 persons working for the Red Cross movement have been killed since 1996 in the Great Lakes region of Africa alone. Death and injury to the staff of non-governmental organizations would bring the total to a much higher figure.

27. The insecurity faced by humanitarian personnel is the result of three main factors:

- A desire by State or non-State actors in conflict situations to disrupt humanitarian operations which they consider as undermining their own political, strategic or military goals;
- A desire to remove actual or potential witnesses to human rights abuses and other violations of international law by creating an environment in which it is not safe for them to operate;
- A general mistrust and suspicion regarding the motives and intentions of humanitarian organizations.

28. The danger faced by humanitarian personnel has also been exacerbated by the presence of armed combatants and criminal elements in refugee camps and refugee-populated areas and among groups of displaced persons.

29. The problems of insecurity faced by locally recruited personnel of United Nations and other humanitarian organizations needs to be highlighted. The religious and/or ethnic origin of these persons often places them in a vulnerable position with regard to one party or the other in internal conflicts.

B. *Responsibility of States*

30. States have the responsibility to ensure the safety and security of personnel of United Nations and other humanitarian organizations working on their territory, including locally recruited staff. While the general provisions of human rights law and the specific provisions of the Geneva Conventions and their Additional Protocols apply to human-

itarian personnel, the 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons Including Diplomatic Agents is specifically relevant to the security of United Nations personnel. However, none of the instruments effectively covers the security needs of United Nations and humanitarian personnel. The 1994 Convention on the Safety of United Nations and Associated Personnel, for instance, covers only those United Nations or other personnel engaged in humanitarian operations specifically authorized by the Security Council or the General Assembly and, furthermore, is yet to enter into force. In resolution 51/227, adopted in 1997, the General Assembly deplored the risks confronting United Nations personnel, including those engaged in peacekeeping and humanitarian operations and locally recruited staff.

31. The Statute of the International Criminal Court now provides in its Article 8, paragraph 2 (*b*) (iii) and (*e*) (iii), respectively, that in an international armed conflict and in an armed conflict not of an international character, the following constitutes a "war crime":

> "Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a *humanitarian assistance or peacekeeping mission* in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the (international) law of armed conflict" (emphasis added);

Therefore, attacks against both United Nations and humanitarian personnel now constitute war crimes under the Rome Statute of the International Criminal Court and fall within the jurisdiction of the Court.

C. *Responsibility of non-State actors*

32. Although non-State actors are liable for violations of international law pertaining to the safety of humanitarian operations and personnel, it is difficult in practical terms to enforce accountability. Usually in internal conflict situations, the national legal and judicial mechanisms do not function effectively and violations are not properly investigated or prosecuted. Moreover, the training and dissemination activities which the International Committee of the Red Cross (ICRC) and other humanitarian organizations have traditionally undertaken with respect to State structures and military forces are inherently more difficult with respect to non-State actors. However, the ground rules initiative in southern Sudan is one relatively successful effort to persuade non-State actors to comply with international humanitarian and human rights law and may serve as a model.

33. The principle of individual criminal responsibility is of particular importance for ensuring accountability of non-State actors under international law. Ad hoc international tribunals established in the context of the former Yugoslavia and Rwanda are recent examples of mechanisms that have sought to ensure such accountability. The jurisdiction of the International Criminal Court over individuals will also help to promote greater accountability with respect to non-State actors.

V. Role of the Security Council in humanitarian operations

34. The General Assembly has primary responsibility for providing policy guidance for United Nations humanitarian operations. However, in recent years it has become evident that humanitarian crises, particularly large-scale refugee problems, are often a precursor and affect international peace and security for which the Security Council has primary responsibility. Conversely, large-scale human suffering and displacement is a consequence and sometimes a contributing factor to instability and further conflict. It is crucial for the Security Council to be kept informed of the humanitarian problems related to a conflict, so as to enable it to take into account all aspects of a conflict and develop a comprehensive approach to conflict resolution in coordination with the General Assembly, the Economic and Social Council, other relevant bodies of the United Nations, regional and subregional organizations, international financial institutions and other relevant organizations, as well as Member States. The degree and nature of involvement of the Security Council in humanitarian operations will, however, vary according to the situation.

35. The different circumstances in which humanitarian operations have been conducted can be broadly categorized as follows:

- Where humanitarian access can be assured through negotiations without Security Council involvement or action. This is the scenario, for instance, in Operation Lifeline Sudan;
- Where humanitarian operations are affected by serious security problems and where the efforts of the host State need to be supported by the international community, for instance through the contribution of personnel, equipment, training, logistics or similar measures. An example is the support provided by the international community through the Office of United Nations High Commissioner for Refugees (UNHCR) to the Government of the United Republic of Tanzania since April 1995, which improved security in refugee camps. In such situations, the Security Council should be kept regularly informed with a view to preventing further deterioration and taking appropriate measures if the need arises;
- Where humanitarian operations are affected by serious security problems which host States are not able or willing to address in a satisfactory manner, but where there is consent from the parties to the conflict for the presence of external security forces. The Security Council may determine the need to deploy peacekeeping forces and/or to take other measures, with the consent of the host State, to provide security support to the humanitarian operation. This was the situation, for instance, in both Cambodia and Bosnia and Herzegovina;
- Where humanitarian operations are affected by serious security problems which the host States are not able or willing to address in a satisfactory manner, and where one or more of the parties to the conflict do not consent

to the presence of external security forces. In this case, a decision by the Security Council may be required to launch enforcement action in order to achieve humanitarian objectives where there is a threat to international peace and security. This was the approach attempted in northern Iraq (1991), Somalia (1992) and Bosnia and Herzegovina (1995).

36. Action by the Security Council to protect humanitarian assistance may take different forms and include both military and civilian components, such as international police, United Nations guards or human rights observers. It is important to consider the full range of options, keeping in mind the need to manage and resolve the conflict, the security needs of the humanitarian operations, the impact which military and political actors have on a humanitarian operation, and vice versa. In the formulation of options for the Council's consideration, the essential requirement for consultation and coordination with humanitarian organizations cannot be overemphasized.

37. An integrated approach is particularly important in the field, where lack of cohesion or differences among United Nations entities can be exploited by the parties. Accordingly, the Special Representative of the Secretary-General for multidimensional peacekeeping operations is responsible for the implementation of the mandate and has authority over all United Nations entities in the field.

38. Support from the Security Council for humanitarian operations needs to be paralleled by political action to address conflict, without which the effectiveness of humanitarian action is undermined. The significant humanitarian impact of the involvement of the United Nations in Somalia was overshadowed by the failure to achieve progress on the political front. In Rwanda, in 1994, a massive humanitarian operation was launched but the absence of a concurrent international commitment to address the political and security dimensions of the situation allowed genocide to be committed and jeopardized regional peace and stability.

VI. Recommendations

A. Accession to international law instruments

39. It is expected that Member States would reaffirm, strengthen and comply with the existing norms, principles and provisions of international law, including humanitarian law, human rights and refugee law, to ensure protection of and assistance to refugees, displaced persons and others, humanitarian access, and the safety and security of United Nations and other humanitarian personnel. Member States which have not yet acceded to the relevant instruments may wish to consider early accession.

B. *Dissemination and advocacy of humanitarian principles*

40. The dissemination of norms, principles and provisions of international law is an important step in encouraging compliance. Information, training and advocacy activities of the International Committee of the Red Cross, the Office of the United Nations High Commissioner for Refugees, the Office of the United Nations High Commissioner for Human Rights, the Emergency Relief Coordinator in collaboration with Inter-Agency Standing Committee partners (Office for the Coordination of Humanitarian Affairs) and the United Nations Children's Fund (UNICEF) should be strengthened. Inasmuch as the efforts aimed at ensuring compliance with international law contributes to maintaining international peace and security, these efforts should be supported by the Security Council. The monitoring of such compliance is also an important step in promoting protection.

C. *Mechanisms to ensure compliance with international law*

41. The culture of impunity which currently prevails on violations of humanitarian norms should end. All those who violate international law must be brought to justice, whether they are State or non-State actors. States have primary responsibility for ensuring that those who violate humanitarian norms are prosecuted through the national criminal justice system or, where appropriate, through international criminal tribunals, including the International Criminal Court.

42. The setting up of international tribunals in the context of the former Yugoslavia and Rwanda and the recent decision to establish the International Criminal Court mark important attempts by the international community to end the culture of impunity. Further measures should continue to be taken to expand and strengthen the jurisdiction of the International Criminal Court. It is useful to note that article 8, paragraph 2 (*b*) (xxv); of the Statute qualifies as war crimes the following acts:

> "Intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including wilfully impeding relief supplies as provided for under the Geneva Conventions".

43. In order to ensure the compliance of State and non-State actors with international law provisions, certain concrete steps should be considered. As recommended by the Secretary-General in his report on Africa [*ibid.*], combatants should be held financially liable to their victims under international law in cases where civilians are made the deliberate target of aggression; and in that connection international legal machinery should be developed to facilitate efforts to find, attach and seize the assets of transgressing parties and their leaders. This recommendation has already been implemented, in part at least, in the Statute of the International Criminal Court. The principle of holding individuals financially liable for such crimes is now embodied in article 75 of the Statute. It is established, however, on a level of generality and the specificities of reparations to victims, including restitution, compensation and rehabilitation, through the Trust Fund established for the benefit of victims or through national courts and administrations, would have to be further elaborated by the Court.

D. *International solidarity and support for host States*

44. Solidarity and burden-sharing are also important in encouraging States to respect humanitarian principles and obligations. Greater attention should be paid to the political, economic and social impact on countries which receive large refugee populations. The international community should acknowledge their contribution and be ready to assist these States, not only in terms of humanitarian assistance but also for rehabilitation of refugee hosting areas. Such assistance should not, however, be given at the expense of regional development cooperation assistance. In this context, close coordination and cooperation is needed between humanitarian organizations and development agencies.

E. *Measures to improve security and access*

45. The Security Council may wish to give serious consideration to developing a range of options to maintain law and order and create a secure environment for civilians endangered by conflict and for the delivery of humanitarian assistance in conflict situations. The options should include a variety of measures, starting with modest efforts to boost local and national capacity including community-based protection and moving on to greater international involvement when security problems escalate, and encompassing a range of actors, national and international, civilian and police, as well as military.

46. In order to enhance their own security as well as that of humanitarian personnel, efforts should be made to locate refugees at a reasonable distance from international borders in camps of limited size. In the context of Africa, the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa contains specific provisions to this effect.

47. Armed combatants among refugee and displaced populations are a source of insecurity and should be separated from the civilians. While refugee-hosting States bear primary responsibility for the maintenance of law and order in and around refugee camps, they sometimes lack the will or the capacity to establish and maintain the rule of law in refugee camps or refugee-populated areas. In the interests of international peace and security, the Security Council is expected to ensure that the host State receives the necessary support and that appropriate measures are taken, in a timely manner, to separate armed elements from refugees and other civilians.

48. The proliferation of arms is a major factor affecting the security of both refugees and other vulnerable populations as well as United Nations and humanitarian personnel. More vigorous efforts need to be made to monitor and regulate the trade in arms to areas of actual or potential conflict. The Security Council may wish to consider imposing an arms embargo in situations where civilians are targeted by the parties to the conflict or where the parties are known to be involved in gross violations of human rights. The Council may also wish to consider establishing a more effective mechanism for the implementation of arms embargoes. Member States are urged to take the necessary steps, including domestic legislation, to penalize those engaged in illicit trade. Greater attention should also be paid to the role of private arms traders, including the role the United Nations might play in compiling, tracking and publicizing such information. There is a need for this issue to be addressed by the Security Council as a matter of urgency.

F. *Safety of humanitarian personnel*

49. Steps should be taken to encourage Member States to ratify the 1994 Convention on the Safety of United Nations and Associated Personnel and the Statute of the International Criminal Court, so that they may enter into force as soon as possible. Efforts should be made to extend the application of the Convention so that it adequately covers all humanitarian personnel.

50. United Nations and other humanitarian personnel should be adequately trained on security procedures prior to deployment. A security training package for humanitarian personnel working in conflict situations has been developed jointly by the United Nations Security Coordinator in collaboration with UNHCR. The Administrative Committee on Coordination (ACC) has approved the implementation of a mandatory security training programme for all United Nations personnel. Unfortunately, none of the organizations concerned have made the funds available to undertake this training. ACC has also approved the establishment of a Trust Fund for Security to supplement existing funding mechanisms. The Trust Fund was formalized in June 1998 and solicitations were sought from Member States. So far only one Government has responded positively. Therefore the attention of Member States is drawn to the existence of this Trust Fund and they should be encouraged to contribute to efforts to ensure the security of United Nations staff.

G. *Security Council involvement*

51. It is important that humanitarian activities not be viewed in isolation from the overall social, political and economic context of a conflict. The Security Council should be kept regularly informed of the humanitarian situation in cases of potential or actual conflict so that it has a comprehensive picture of the problem.

52. In situations where a decision is made by the Security Council to deploy United Nations troops or other external security forces in support of humanitarian operations, it is of critical importance that they be given clear, realistic and appropriate mandates, that they be deployed in a timely manner and that they be adequately resourced and supported. A clear mandate is important in order to delineate the respective responsibilities of the military and humanitarian actors, and to ensure effective and timely action.

53. Several of the recommendations contained in the present report, namely those expressed in paragraphs 42, 44, 45 and 47, coincide with the recommendations made in my report on Africa entitled "The causes of conflict and the

promotion of durable peace and sustainable development in Africa" [*ibid.*]. Upon receipt of my earlier report, the Security Council, in its resolution 1170 (1998) of 28 May 1998, established an ad hoc Working Group to review all recommendations in the report relating to the maintenance of international peace and security, in accordance with the Charter of the United Nations, and in that context, to prepare a framework for the implementation of recommendations, as appropriate, and to submit specific proposals for concrete action for consideration by the Council by September 1998.

H. *Effective Coordination*

54. It is also vital to ensure that mechanisms exist on the ground for the effective coordination between the political and the military components of a United Nations operation, on the one hand, and the human rights and humanitarian components on the other. Working arrangements between international security forces and United Nations or other humanitarian organizations should ensure that the distinct nature of their respective tasks are fully understood and that policies and strategies are properly coordinated. In this connection, a working group of the Executive Committee on Peace and Security and the Executive Committee on Humanitarian Affairs has been established to better define the relationship between Special Representatives of the Secretary-General and Humanitarian Coordinators as well as those of the Human Rights and other components of United Nations missions. The role of the Special Representatives of the Secretary-General has been enhanced to this end to include authority in the cases of multidimensional peacekeeping operations for all United Nations entities in the field.

55. Every effort should be made to support the work of the Emergency Relief Coordinator and the member organizations of the Inter-Agency Standing Committee to ensure coordination of humanitarian operations. The Executive Committee on Humanitarian Affairs, convened by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, has been established to further this objective. Common guidelines for engagement in humanitarian operations in accordance with established principles are also being developed by the Office for the Coordination of Humanitarian Affairs in cooperation with its partners.

DOCUMENT S/1998/887

Report of the Secretary-General on the United Nations Police Support Group

[*Original: English*]
[*23 September 1998*]

I. Introduction

1. The present report is submitted pursuant to the statement of 2 July 1998 of the President of the Security Council [*S/PRST/1998/19*]. It provides an overview of the activities of the United Nations Police Support Group and an assessment of the situation in the Danube region since the submission of my last report on 11 June 1998 [*S/1998/500*]. The report also details the arrangements for the termination of the Support Group mandate by 15 October 1998.

II. Operations of the Police Support Group

2. Since my last report, cooperation between the Support Group and the local police has been satisfactory. Regular contacts between my Representative and senior Croatian government officials have helped to resolve emerging issues. In addition, the Commissioner of the civilian police and his staff have maintained regular daily contact with local police commanders.

3. My Representative has also maintained close contact with the United Nations agencies in Croatia, in particular with the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Office of the United Nations High Commissioner for Human Rights, as well as other international organizations, especially the Organization for Security and Cooperation in Europe (OSCE). This close contact has been instrumental in ensuring a coordinated international position on key issues related to the implementation of the respective mandates of those organizations, most notably those related to the return of refugees and displaced persons and the monitoring of the situation in the region.

The security situation in the region

4. The security situation in the region continues to be relatively stable. According to the Ministry of the Interior, the level of crime is lower than in most other areas of Croatia. This is largely due to the high ratio of police officers to residents in the region, as compared with elsewhere in Croatia, and to international monitoring. The overall level of housing-related and ethnically related incidents is decreasing. In the four-week period preceding my report of 11 June 1998, an average of 54 incidents were reported each week. In the most recent four-week period, the average had dropped to 33.

5. Housing-related intimidation, which generally involves attempts by Croat homeowners to evict Serb displaced persons temporarily occupying their homes under the terms of the Agreement on Operational Procedures of Return concluded by the Government of Croatia, the United

Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) and UNHCR, has declined from 599 reported incidents in the three-month period preceding my last report to 258 in the current three-month period. One factor in this decrease is the decline in the number of Serb displaced persons who remain in the region as a result of resettlement in their original homes or other accommodation elsewhere in Croatia or their departure to other countries.

6. Despite improvements in the security situation, the severity of ethnically related incidents has increased, with verbal intimidation being replaced by more violent incidents. Increases in ethnically related shootings, explosions, assaults and vandalism have been recorded. These incidents have often been directed against symbolically important objects such as community monuments in the region. In addition, the number of ethnic incidents by repeat offenders has risen from an average of 15 per cent in the previous reporting period to 20 per cent in the current reporting period.

Croatian police performance

7. The overall police response to criminal activity meets international standards for law enforcement agencies as described in the "United Nations Criminal Justice Standards for Peacekeeping Police" (second edition, 1996). Reports of the Support Group show that in response to complaints, the police filed charges in more that 75 per cent of cases. However, police response to ethnic incidents is less encouraging. Despite clear guidelines established by the Ministry of the Interior, there are signs of a growing unwillingness on the part of some police officers to take action in such cases. This has been compounded by recent oral instructions to police officers not to evict owners who have illegally repossessed their properties. As a result, a perception has been created in the minds of would-be offenders that the police will not forcibly remove them, and among displaced persons, that the homeowner and the police are in collusion. The performance of the police is also being undermined by an inefficient judicial system. The inability of the courts to promptly hear charges against offenders contributes to the local population's perception that the system is not impartial and that the police and the courts cannot be trusted when dealing with ethnically related cases.

8. Continuing difficulties with standards of training and supervision of local police officers are reflected in the fact that some 10 per cent of them currently face formal disciplinary proceedings. Attempts by the Support Group to address differences in the levels of training have been hampered by reluctance on the part of some Serb and other minority officers to undertake training outside the region. While some of them claim to fear intimidation at the police academy, there is no evidence that this fear is justified. Notwithstanding those difficulties, 120 officers from all ethnic groups have attended training courses within the region sponsored by the Austrian Centre for Peace and Conflict Resolution. In addition, weekly instruction, supported by the civilian police, is provided at the station level for all police officers.

9. Despite an agreement between the Support Group and the Government of Croatia, there has been an increase in the number of local police officers failing to share information with or to inform the civilian police in matters involving investigations. Since my report of 11 June, 56 cases of local police officers not complying with the provisions of this agreement have been recorded, as compared with 32 during the previous reporting period. Those cases have been followed up with the Ministry of the Interior and resolved satisfactorily.

10. In its presidential statement of 2 July 1998, the Security Council called upon the Government of Croatia to take measures to strengthen public confidence in the police, including through public information and police preventive action. In that context, the Council stressed the importance of instituting a community policing programme. Regrettably, there has been little response to numerous requests that local police officers take part in public relations activities, and the Ministry of the Interior, despite frequent urging, has yet to take steps to institute a community policing programme. The institution of such measures could help to counter the local perception that the police force is biased.

Ethnic structure of the local police force

11. At present, the local police force has a strength of 1,522 officers, including 801 Croats, 672 Serbs and 49 officers of other ethnicity. Full proportionality at all levels, including in senior and command positions, is respected. Measures continue to be taken by the Assistant Minister of the Interior and his officers to counsel those Serb members intending to resign and to persuade them to remain.

12. The working conditions and salaries of members of the local police force continue to be the same, regardless of ethnicity. No problems have been reported between officers of Croat and Serb origin. Similarly, there is no evidence of discrimination in either the raising of disciplinary charges in the force or the outcome of proceedings.

III. Return of refugees and displaced persons

13. On 26 June 1998, the Government of Croatia adopted a Programme for the Return and Accommodation of Displaced Persons, Refugees and Exiled Persons, which was developed in close cooperation with UNHCR, the United Nations, OSCE and the Article 11 Commission. The programme is a major step in the right direction. It establishes mechanisms that should allow for the return of all Croatian citizens to their former homes or for the provision of alternative accommodation, as well as for restitution of their property. It also establishes comprehensive monitoring mechanisms. The return programme also commits the Government to legislative changes to support it. The Government has already taken several initial steps towards that end, including rescinding the law on the temporary takeover and administration of specified property and the law on the leasing of apartments in the liberated areas. It has committed itself to framing regulations to address the issues stemming from the

abolition of those laws and pledged to introduce legislation to equalize the status of all categories of returnees.

14. Nevertheless, the programme has shortcomings. It does not establish a satisfactory non-discriminatory mechanism to enable apartment dwellers to return to formerly socially owned apartments or to receive alternative accommodation or compensation. Senior government representatives have indicated that plans will be developed to that effect, but they are predicated on the construction of new homes for those now occupying the apartments. Unless progress is made in this important area, Serb returns to urban areas are unlikely to increase.

Implementation of the return programme

15. A key factor in the implementation of the return programme was the establishment of housing commissions in all areas of return by 31 July 1998. In most instances, housing commissions were formed by the deadline, but many of them are not fully operational and cite difficulties with instructions or their interpretation. The Government Coordination Committee on Return has yet to meet. In addition to the specific legislative steps already taken or proposed, the Government will need to harmonize other legislation with the provisions of the return programme.

16. The Government has, nonetheless, made encouraging progress in implementing the return programme. Since its adoption, 10,411 requests for return to Croatia have been submitted by Croatian Serb refugees in the Federal Republic of Yugoslavia and in Bosnia and Herzegovina (Republika Srpska) to the Croatian Government Office for Displaced Persons and Refugees. All of these requests have been submitted with UNHCR assistance. UNHCR has reported that 3,810 individuals have been cleared for return; of those, 700 have returned spontaneously and 719 have returned under the newly established mechanisms. Another 819 individuals have returned using travel documents provided by Croatian diplomatic missions. So far, the bulk of returns have consisted of comparatively easy cases of family reunions or of returnees moving in with friends. The Croatian Government Office for Displaced Persons and Refugees reports that 1,335 applications for reconstruction assistance have been made by Croatian Serb refugees; 420 of those have been approved and 100 payments have been made so far.

17. The Office for Displaced Persons and Refugees also reports that 22,501 Croatian citizens of Serb ethnicity have returned to Croatia from the Federal Republic of Yugoslavia and Bosnia and Herzegovina. In addition, a further 22,300 Croatian citizens of Serb ethnicity have returned to other parts of Croatia from the region. This latter figure may be inflated, as the Office notes that some returnees from the Federal Republic of Yugoslavia did so via the region and may, therefore, be included twice in the total.

18. According to the Office for Displaced Persons and Refugees, only 5,700 previously registered displaced Serbs still remain in the region. This figure has dropped progressively, from 33,200 in 1997 to 12,600 by the time of my report of 11 June 1998. The movement of both Serb displaced persons and the Serb population domiciled in the region to the Federal Republic of Yugoslavia and other countries has continued. Information from the Croatian customs service suggests that approximately four families per day are leaving the region for the Federal Republic of Yugoslavia.

19. With regard to the return of Croat displaced persons, the Office for Displaced Persons and Refugees reports that 21,349 have returned to the region. Observations on the ground suggest that about half of them have returned permanently. Some Croat returnees are temporary residents who, while maintaining houses – which are not necessarily theirs – elsewhere in Croatia, return to their own homes in the region on the weekend. It should be noted that the return programme makes double occupancy illegal, but no steps have yet been taken to enforce that provision. So far, most returns have been to Ilok in the south of the region and to Baranja in the north. Despite Government efforts to enhance the rate of return of Croat displaced persons, there is little evidence of increased returns, particularly to Vukovar.

Impediments to two-way returns

20. Key factors impeding two-way returns include the absence of economic revitalization, the lack of employment opportunities in many areas of return and a low level of confidence in the prospects for long-term return. There are signs that some Croat returnees to the region have now departed because of difficulties in finding work. In addition, economic difficulties continue to prompt original residents to leave the region. Similar problems in the areas of Serb return promote tension between Serb returnees and other residents. There is little evidence of young people returning to their pre-war homes in the region and other areas of return.

21. The return process within Croatia is also affected by regional returns. Bosnian Croat refugees, for example, are presently occupying many Croatian Serb houses in the Krajina. These refugees must either be enabled to return to their own homes in Bosnia and Herzegovina or be provided with alternative accommodation within Croatia. So far, some 12,000 Bosnian Croat refugees have registered for return to both the Federation and the Republika Srpska in Bosnia and Herzegovina. No returns from this group have taken place because of lack of approval from the Governments concerned. There is evidence also that some Croatian government representatives may have encouraged Bosnian Croat refugees to remain in Croatia.

IV. The situation in the Danube region

22. In its presidential statement of 2 July 1998 [*S/PRST/1998/19*], the Security Council called upon the Government of Croatia to demonstrate by its actions its commitment to fulfilling its obligations under the Basic Agreement [*S/1995/951, annex*] and other agreements, including through progress on national reconciliation at every level. The Council also called upon the Government to implement fully and fairly its legislation on amnesty, provide promised funding for the

Joint Council of Municipalities, ensure fair employment benefit practices, equal economic opportunity and the non-discriminatory application of the rule of law.

Implementation of employment and other reintegration agreements

23. The Government of Croatia has generally complied with agreements relating to employment rights for those in public enterprises and institutions. The majority of Serb workers provided with work contracts remain in their employment and receive salaries and benefits comparable to those of their Croatian counterparts. Among those no longer employed, most have departed from their workplaces voluntarily, no longer wishing to remain either in the region or in Croatia. Some have retired and a few have been released because of non-performance. No employee in public enterprises and institutions was forced to relocate outside the region. Some, however, requested transfers, which were granted when suitable posts were available in other areas.

24. Agreements on the reintegration of the educational system have also generally been met, with one important exception. The moratorium on the teaching of the history of the former Yugoslavia during the period from 1989 to 1997 is not being complied with. Textbooks containing the history of the period have been supplied to some schools in the region. The provision of such textbooks is contrary to both the agreement on education and to the Government's stated policy of promoting reconciliation. The agreement for translation of textbooks into languages other than Croatian is now being implemented and new books should be distributed to schools by December.

The law on convalidation

25. The law on convalidation, passed in September 1997, is not being implemented in a comprehensive manner. The Ministries of Health, Education, Justice and the Interior have initiated procedures to recognize the years of service of those employees who worked under the "Republika Srpska Krajina (RSK)" regime. However, as the Ministry of Labour and Social Welfare has not yet issued implementing instructions, other government departments, public enterprises and institutions have also refrained from doing so. Overall, there is still no consistent administrative procedure for implementing the law. In the case of former socially owned enterprises where the workforce has been significantly reduced, the inability to gain recognition for years of service under the "RSK" regime is having a significant negative impact. In such cases, workers who would otherwise be eligible for pensions and other social security benefits cannot obtain them.

Progress in reconciliation

26. Since my report of 11 June 1998, there has been almost no progress in the implementation of the Government's national reconciliation plan. The National Committee for the Establishment of Trust has not met for the past two months. Local reconciliation committees within the region are inactive and report that they, too, have not met, as there is no encouragement from higher levels for them to do so. Reconciliation committees are almost non-existent in areas of Serb returns. Both television and print media, including those under State control, continue to give space to rhetoric that undermines reconciliation.

Implementation of the amnesty law

27. Inconsistency and confusion characterize the implementation of the amnesty law. There have been statements by representatives of the local judiciary that "war crimes" trials will resume again after the departure of the international community, and there are signs that lower level courts may be continuing to prepare indictments for crimes that should be covered by the amnesty law. This situation does not contribute to local confidence in the region.

Functioning of local municipalities

28. All the municipalities in the region are functioning with the exception of Vukovar. As noted in my previous report [*S/1998/500, para. 30*], the Vukovar City Council remains deadlocked. This situation is a serious impediment to Croat returns and to the economic revitalization of the city. The continued non-functioning of the City Council appears to be due to the inability of local leaders of both ethnicities to work together, despite an agreement between the Croatian Democratic Union and the Independent Serb Democratic Party to do so. Unwillingness on the part of senior Croatian Democratic Union representatives at the national level to intervene to ensure that the agreement is implemented has not helped matters.

The Joint Council of Municipalities

29. A permanent solution to the question of the funding of the Joint Council of Municipalities, established under the Basic Agreement, has yet to be found and the Council still lacks an appropriate legal status. Repeated promises by the Government to abide by its commitments have not materialized. At present, the Council is on the brink of collapse. This situation constitutes a substantial breach of the Government's commitments.

Economic reconstruction

30. Economic revitalization and reconstruction in the region and other war-affected areas are important elements in creating an environment supportive of sustainable returns. The Government of Croatia has stated that it intends to organize a donors' conference before the end of the year to attract international funds for reconstruction. The international community has conditioned the provision of funds upon the production of a nationwide comprehensive and non-discriminatory reconstruction plan and on progress in the implementation of the return programme. The Government aims to present its reconstruction plan by the end of September.

The United Nations Development Programme has provided a reconstruction expert to support the Government's efforts to prepare the plan.

31. It will be recalled that in its resolution 1037 (1996) of 15 January 1996, the Security Council entrusted UNTAES with the responsibility of assisting in the coordination of the development and economic reconstruction of the region. To that end, UNTAES organized two donors' conferences to obtain funds for projects within the region and was able to raise some $40 million. Those funds have now been fully disbursed, either through the United Nations Trust Fund or through bilateral arrangements, for projects such as reconstruction and demining and seminars to support reconciliation.

The Article 11 Commission

32. The Article 11 Commission is a key instrument in encouraging the Government of Croatia to meet its obligations fully. The Commission has continued to play an important role in focusing international attention on the region and on the issues affecting it. The Commission took a leading role in coordinating international involvement in the development of the Government's return programme (*see para. 15 above*). The Commission's continued close involvement in monitoring the Government's compliance with its commitments and reminding it of its obligations when necessary will be essential to ensure the successful completion of the peaceful reintegration of the region.

V. Cooperation with the Organization for Security and Cooperation in Europe

33. The Support Group has continued to cooperate closely with OSCE at all levels. Coordination of activities, which has enhanced the efficiency of operations and prevented duplication, continues to be ensured through regular meetings at the level of heads of mission and through twice-weekly coordination meetings in the region. The Support Group also provides advice to OSCE on the reintegration agreements that it has the responsibility of monitoring.

34. On 25 June 1998, the OSCE Permanent Council, in its decision No. 239, expressed the readiness of OSCE to deploy civilian police monitors to assume the responsibilities of the Support Group personnel deployed in the Croatian Danube region. A long-term monitoring presence in the region had been foreseen in article 10 of the Basic Agreement. On 13 August 1998, in response to the letter of my Representative dated 31 March 1998 [*ibid., para. 39*], the head of the OSCE mission in Croatia wrote to my Representative to thank the Support Group for its support and to confirm the steps taken by OSCE to facilitate the transition of activities from the Support Group to OSCE. My Representative has extended full cooperation to OSCE in planning its police operation.

35. To that end, the Support Group and OSCE have established a joint steering committee to oversee the transition process. Two joint working groups dealing with police-related matters and logistics have also been established. The groups have made good progress. Logistic support has been provided to OSCE and arrangements to use many of the facilities of the Support Group have been confirmed. An operational concept, very similar to that used by the Support Group, has been developed. OSCE has received many pledges from nations willing to contribute police monitors, many of whom are already serving with the Support Group. A Police Commissioner for the OSCE mission has already been selected. During the planning for the OSCE mission, my Representative has emphasized that, in order to ensure effective monitoring, the mission should have the same broad access to information and competencies and operate under the same conditions as the Support Group. Most importantly, there should be no gap between the incoming and outgoing operations.

VI. Drawdown of the Support Group

36. As indicated in my previous report [*ibid., para. 46*] and endorsed by the Security Council in its presidential statement of 2 July 1998, the downsizing of the Support Group began in mid-August. At present, the strength of the Support Group is 136 civilian police monitors. By the end of September, it is planned to further reduce that number to 120. The gradual drawdown of the Support Group is intended to ease the transition to the OSCE police monitoring mission, which will deploy the first of its 120 police monitors in the region by mid-September.

VII. Observations

37. The performance of the Croatian police in the region has shown commendable improvement over the past three months. The building of a functioning multi-ethnic police force is a noteworthy achievement, which can serve as a model for other areas of potential return. There is, however, more work to be done before the police can enjoy local confidence and prove itself to be fully capable of policing a multi-ethnic community effectively and impartially. The wide gap between the actual security provided by the police and the perception of security held by many Serb residents has been an important factor leading to the continuing departure of Serbs from the region. Maintaining the ethnic balance of the police force, including by recruiting non-Croat officers in the future, will, therefore, be an essential element in preserving the prospects for multi-ethnicity in the region and in enhancing confidence in the police force. This should remain a priority for the Government of Croatia.

38. International monitoring and advice have been essential factors in securing improvements in police performance. The close attention paid to operations in the region by the Minister of the Interior and his two deputies has also played an important part. Nonetheless, no significant effort has been made by the Government to strengthen public confidence in the police by carrying out an active public information programme or by instituting a community policing programme. It is essential that those steps be taken to ensure that the police force is viewed as an integral part of the community it serves.

39. As pointed out in my previous report [*ibid., para. 43*], improved police performance is not, however, sufficient by itself to offset the range of outstanding problems that create a climate that fosters ethnic hatred, intolerance and intimidation. The worrisome increase in violent ethnic incidents and the increase in the number of repeat offenders over the past three months underscores the lack of effective Government action to discourage such crimes. I would again urge the Government to take preventive action to deter such incidents and to address their outstanding root causes on an urgent basis.

40. I am also concerned that follow-up by both the police and the courts to incidents of intimidation and harassment is still inadequate. In addition, there have been cases in which local police officers have allowed their performance to fall below normal professional standards or have breached either their instructions or the provisions of Croatian law. It is important, therefore, that comprehensive international police monitoring continue to sustain local confidence, to ensure that acceptable standards of policing are maintained and to secure the improvements in police performance made so far.

41. Overall, the Government of Croatia has taken a number of steps towards meeting its commitments to the international community. It has generally met its employment and other obligations concluded in various reintegration agreements with UNTAES. A comprehensive nationwide return programme has been introduced, and some discriminatory legislation has been repealed. Positive steps to implement the return programme have been taken, although it is still too early to judge the effectiveness of the programme. International police monitoring in the region has helped to instil confidence in the return process. Monitoring in other areas of return could provide similar reassurance to potential returnees.

42. On the other hand, as noted in paragraphs 25 to 28 above, key issues related to two-way returns remain unresolved, some discriminatory legislation remains in force, implementation of the convalidation law remains incomplete, the Government's commitments to the Joint Council of Municipalities are unfulfilled, and the national reconciliation programme has not been vigorously pursued. All of these issues and, in particular, the failure to refocus attention on national reconciliation could seriously undermine the effectiveness of the return programme. In addition, lack of employment and economic reconstruction and little confidence in the future continue to impede returns. While statements by some Government officials have suggested that effective implementation of the return plan is conditioned upon the receipt of international financial support, it must be stressed that the ultimate responsibility in this matter lies with the Government. Nonetheless, continued international support to facilitate two-way returns will be needed.

43. In order to secure international assistance in the economic development of areas of return in Croatia, it is important that the Government ensure that its plans are transparent, non-discriminatory and comprehensive. These plans should address the creation of employment opportunities, particularly for young people, the stimulation of community links and the promotion of reconciliation. Such an approach could encourage displaced persons of all ages to return to their homes throughout Croatia and promote shared interests and confidence between ethnic communities. It would also encourage original residents to remain in the region, thus helping to ensure that its multi-ethnic character is maintained.

44. The overall level of measurable security in the region remains satisfactory. The risk of being subject to any kind of criminal activity is low, with the exception, unfortunately, of the Serb and minority communities, which continue to experience intimidation and more serious criminal acts as a result of property disputes and ethnic intolerance. Taking into account the stability of the security situation I am confident that the Support Group can continue with the drawdown of its personnel and terminate its operations as scheduled on 15 October 1998. I am also confident that, from that date, OSCE will successfully assume responsibilities for international monitoring, and I wish it well in that endeavour.

45. In closing, I should like to thank my Representative, Mr. Souren Seraydarian, as well as the Police Commissioner, Mr. Halvor Hartz, and the men and women of the Support Group for their dedication and perseverance in successfully carrying out the tasks entrusted to them by the Security Council.

DOCUMENT S/1998/889

Report of the Secretary-General on the United Nations Iraq-Kuwait Observation Mission for the period from 24 March 1998 to 23 September 1998

[*Original: English*]
[*24 September 1998*]

I. Introduction

1. The present report provides an account of developments and activities in respect of the mandate entrusted to the United Nations Iraq-Kuwait Observation Mission (UNIKOM), in accordance with Security Council resolutions 687 (1991) of 8 April 1991, 689 (1991) of 14 June 1991 and 806 (1993) of 5 February 1993. It covers the period from 24 March 1998 to 23 September 1998.

II. Developments in the demilitarized zone

2. The situation in the demilitarized zone remained generally calm. During the period under review, UNIKOM carried out its normal operations without interruption.

3. The number of violations in the demilitarized zone dropped from 175 to 67 since my last report. In one violation, on 30 June, UNIKOM, while investigating an explosion reported by the Iraqi side, discovered fragments and the main body of a high-speed anti-radiation missile at a fuel storage located approximately 12 kilometres west of Umm Qasr on the Iraqi side of the demilitarized zone.

4. There were 19 ground violations. One violation involved a group of 21 Iraqi men, women and children who crossed the border into Kuwait seeking asylum. UNIKOM promptly informed the Kuwaiti and Iraqi authorities, as well as the representative of the Office of the United Nations High Commissioner for Refugees (UNHCR). The UNHCR representative interviewed the group and determined that they did not qualify for refugee status. Accordingly, UNIKOM handed them over to the Iraqi authorities. Five unauthorized border crossings by Iraqi policemen and civilians and one by Kuwaiti policemen were recorded. An incident occurred when two uniformed military officers of the United States of America entered the demilitarized zone to visit UNIKOM headquarters in Iraq without obtaining prior permission from UNIKOM. They were stopped by UNIKOM guards before crossing the border to Iraq. The other 11 incidents were weapons violations which included an incident of pointing of rifles by Iraqi policemen at a United Nations military observer; five firings of small arms on the Iraqi side of the demilitarized zone and one incident of firing by Kuwaiti policemen during hunting; and the sighting of weapons, once at a Kuwaiti police post and twice at Iraqi police posts.

5. There was one maritime violation in the Khawr Abd Allah waterway and 46 air violations. The maritime violation in the Khawr Abd Allah waterway was recorded when a civilian Iraqi vessel drifted across the border and ran aground at Warbah island. The 46 air violations mostly involved unidentified aircraft flying at high altitude. On 18 occasions, however, the aircraft were identified as A-6, F-14, F-16, F-18, Tornado, Black Hawk helicopter and C-130 military planes. Such aircraft are used by the coalition forces in the region, but the nationalities could not be identified.

6. UNIKOM also recorded several minor incidents mainly involving the throwing of stones at UNIKOM patrol vehicles by Iraqi children and the erection of small barricades on patrol roads on the Iraqi side by unknown persons. In one case, a Kuwaiti-registered vehicle belonging to a catering contractor engaged by UNIKOM erroneously crossed the border and was confiscated by the Iraqi police. UNIKOM is making efforts to retrieve the vehicle.

7. A total of 12 complaints were received, 9 from Kuwait and 3 from Iraq. Kuwait lodged complaints regarding four territorial violations and five maritime violations. The complaints from Iraq were about maritime violations. All these complaints could not be verified because of the time that had elapsed between the alleged incident and receipt of the complaint.

8. The number of vessels docking at the Iraqi port of Umm Qasr increased from 125 to 135 since the last review. The vessels were under the "oil-for-food" programme and their cargo consisted mainly of wheat, rice, sugar, beans, tea and ghee.

9. Oil-drilling activity was mainly concentrated on the Kuwaiti side at the Al-Ratqa oilfield. On the Iraqi side, drilling was stopped at Rumaylah owing to lack of spare parts for the rig. Recently, however, one rig started drilling on the Iraqi side of the Al-Ratqa oilfield.

10. The electric fence which Kuwait is erecting along the border has almost reached the southern limit of the demilitarized zone. The remote control system for the gates in the fence is, however, not yet operational. UNIKOM patrols encountered problems of access through the gates on 15 occasions, particularly during the months of April and May. This problem has now been resolved after discussions with the Kuwaiti authorities.

11. Construction work at the Warbah island project, which is aimed at improving UNIKOM's monitoring of the Khawr Abd Allah waterway, is continuing. The estimated completion time is the last quarter of 1998. The remaining work consists of the erection of a communications tower on Warbah island and the installation of a floating pier.

12. UNIKOM continued to dispose of unexploded mines and bomblets in the demilitarized zone. A total of 5,823 unexploded devices, including 1,489 bomblets, 311 rockets, 566 mortar bombs, among them a United States MK-84 bomb weighing 2,000 pounds, and 3,457 artillery and other rounds, were destroyed. Unexploded mines and other ordnance inside the demilitarized zone, mostly on the Iraqi side, continued to cause casualties among civilians living and working in the area.

13. UNIKOM provided security and logistic support for the meetings of the Technical Subcommittee on Military and Civilian Missing Prisoners of War and Mortal Remains, which were held under the auspices of the International Committee of the Red Cross (ICRC) on 15 April, 20 May, 17 June, 28 July and 31 August 1998. The meetings were conducted in the demilitarized zone, alternately at UNIKOM headquarters in Umm Qasr, Iraq, and at the UNIKOM support base at Camp Khor, Kuwait. ICRC representatives from Iraq and Kuwait, delegations from Iraq and Kuwait, and observers from France, Saudi Arabia, the United Kingdom of Great Britain and Northern Ireland and the United States of America attended the meetings.

14. UNIKOM continued to maintain close and regular liaison with the authorities of both Iraq and Kuwait at various levels, including through its liaison offices in Baghdad and Kuwait City. Both parties cooperated with the Mission in the conduct of its operations.

III. Organizational matters

15. As at 1 September 1998, the overall strength of UNIKOM was 1,304, as follows:

(*a*) A total of 195 military observers, from Argentina (4), Austria (6), Bangladesh (5), Canada (5), China (11), Denmark (5), Fiji (5), Finland (5), France (11), Ghana (6), Greece (5), Hungary (5), India (5), Indonesia (5), Ireland (6), Italy (5), Kenya (4), Malaysia (6), Nigeria (5), Pakistan (6), Poland (5), Romania (6), the Russian Federation (11), Senegal (5), Singapore (6), Sweden (5), Thailand (5), Turkey (7), the United Kingdom (11), the United States (11), Uruguay (6) and Venezuela (2);

(*b*) An infantry battalion of 772 from Bangladesh;

(*c*) An engineering unit of 50 from Argentina;

(*d*) A logistics unit of 34 from Austria;

(*e*) A helicopter unit of 35 from Bangladesh;

(*f*) A medical unit of 13 from Germany;

(*g*) A total of 205 civilian staff, of whom 58 were recruited internationally.

Major General Esa Tarvainen (Finland) continued as Force Commander.

IV. Financial aspects

16. The General Assembly, in its resolution 52/238 of 26 June 1998, appropriated $52,143,800 gross for the maintenance of UNIKOM for the period from 1 July 1998 to 30 June 1999, subject to review by the Security Council with regard to the question of termination or continuation of the Mission. Two thirds of the cost of the Mission, equivalent to $33.5 million, is to be funded through voluntary contributions from the Government of Kuwait. Assessments on Member States have been made for the period ending 31 October 1998. The Government of Kuwait has paid its voluntary contributions in full through 30 June 1998 and an additional amount of $5.7 million has been paid through 31 October 1998.

17. As at 22 September 1998, unpaid assessed contributions to the Special Account for UNIKOM since the inception of the Mission through 31 October 1998 amounted to $14.8 million, representing some 6 per cent of the assessment for the Mission. The unpaid assessed contributions for all peacekeeping operations amounted to $1.8 billion.

V. Observations

18. During the past six months, UNIKOM continued to contribute to the maintenance of calm and stability in the demilitarized zone. The situation along the border was generally quiet. UNIKOM received the cooperation of the Kuwaiti and Iraqi authorities in discharging its duties. I recommend that the Mission be maintained.

19. In conclusion, I wish to pay tribute to Major-General Tarvainen and the men and women under his command for the manner in which they have discharged their responsibilities. Their discipline and bearing have been of a high order, reflecting credit on themselves, on their countries and on the United Nations.

MAP

[*See end of present supplement.*]

DOCUMENT S/1998/897

Letter dated 18 September 1998 from the Secretary-General to the President of the Security Council

[*Original: English*]
[*28 September 1998*]

I have the honour to convey the attached communication, dated 16 September 1998, which I have received from the Secretary-General of the North Atlantic Treaty Organization.

I should be grateful if you would bring it to the attention of the members of the Security Council.

(*Signed*) Kofi A. Annan

ANNEX

Letter dated 16 September 1998 from the Secretary-General of the North Atlantic Treaty Organization to the Secretary-General

In accordance with Security Council resolution 1088 (1996), I attach the twentieth monthly report on the operations of the Stabilization Force (SFOR). I would appreciate your making this report available to the Security Council.

(*Signed*) Javier Solana

APPENDIX

Monthly report to the Security Council on the operations of the Stabilization Force

1. There are approximately 32,500 troops currently deployed in Bosnia and Herzegovina and Croatia, with contributions from all countries of the North Atlantic Treaty Organization (NATO) and from 21 non-NATO countries.

2. Over the reporting period (21 July–20 August), SFOR continued to conduct surveillance and reconnaissance by means of ground and air patrols. Approximately 2,770 sorties were flown by combat aircraft, and the SFOR helicopter fleet flew approximately 132 hours.

3. SFOR's Multinational Specialized Unit became operational on 20 August. Operating as an integral part of SFOR under the same rules of engagement as other elements, the Unit will have an enhanced capability to support the local authorities in responding to civil disorder, without engaging in police functions, in close cooperation with the Office of the High Representative and the International Police Task Force (IPTF).

4. SFOR has continued its monitoring of crossing points on the border with the Federal Republic of Yugoslavia and its inspections of government factories in order to help ensure compliance with the prohibition on the transport of weapons established by the Security Council in its resolution 1160 (1998). No reports of non-compliance were received in the current reporting period.

5. On 23 July, in conformity with the restructuring agreement concluded by the Office of the High Representative in February, SFOR withdrew from the transmission tower used by Srpska Radio Television in Veliki Zep, in Multinational Division North. Following an agreement with the Republika Srpska authorities, use of the Srpska Radio Television Tower in Trebevic, in Multinational Division South-east, will be shared between Srpska Radio Television and SFOR, with SFOR providing local security.

Cooperation and compliance by the parties

6. The parties remain substantially in compliance with most military provisions of the Peace Agreement across the whole area of operations. However, during the reporting period, there were a number of arson attacks on houses belonging to all three ethnic groups, and a series of explosions in the Sarajevo area during the first week of August.

7. Following the murder in Pale on 7 August of Mr. Srdjan Knezevic, the Deputy Chief of the Serb Public Security Centre in Sarajevo, SFOR increased its patrols in the Pale and Sokoloc areas. At the beginning of August, SFOR patrols were also increased in Stolac in response to threats made by employees of the Renner Company against members of IPTF during an inspection of Stolac market, and subsequently, in response to a confrontation with a SFOR inspection team on 13 August.

8. During the reporting period, SFOR troops conducted a total of 346 inspections of military weapons storage sites: 75 Bosniac, 81 Bosnian Croat, 164 Bosnian Serb and 26 Federation. No significant discrepancies were noted and no weapons were confiscated. In line with the SFOR policy of reducing the overall number of weapons sites, 45 of the 136 weapons storage sites which were due to be closed between 10 June 1998 and 28 February 1999 have now been closed, a reduction of about one third.

9. The Police Anti-Terrorist Brigade and the Police Unit for the Protection of Persons and Buildings of the Republika Srpska Specialist Police remain in compliance with the terms of the Peace Agreement and with the requirements set out by SFOR on 15 August 1997. In line with the Police Restructuring and Training Programme, led by IPTF and monitored by SFOR, 577 officers of the Brigade completed human dignity training between 22 June and 17 July.

10. During the reporting period, SFOR troops monitored a total of 435 training and movement activities: 30 Bosniac, 15 Bosnian Croat, 250 Bosnian Serb and 140 Federation. SFOR imposed on the Bosnian Serb 701st Brigade a ban on training and movement from 27 July to 3 August, and a similar one on the First Bosnian Croat Corps, from 25 to 28 July, in each instance for non-compliance with the Common Licence Plate Programme. In addition, a training and movement ban was imposed from 19 August to 5 September on the First and Second Bosnian Croat Guard Brigades from the Caplinja Instruction Centre.

11. In the period ended 1 July, SFOR monitored a total of 78 demining activities. On 1 July 1998, the Bosnia and Herzegovina Mine Action Centre assumed responsibility for humanitarian mine clearing. The Entity Armed Forces are now insured and accredited by the Centre and are conducting operations in accordance with international standards for humanitarian mine clearance. There are currently no bans imposed on the Entity Armed Forces for non-compliance with mine-clearing operations.

Cooperation with international organizations

12. Within its capabilities, SFOR continues to provide assistance to the international organizations in theatre, working routinely with the Organization for Security and Cooperation in Europe (OSCE), IPTF, including in its inspections of local police stations, the Office of the High Representative, the International Tribunal for the former Yugoslavia and the Office of the United Nations High Commissioner for Refugees (UNHCR).

13. SFOR continues to support OSCE in its preparations for the September elections in Bosnia and Herzegovina. On 16 July a Memorandum of Understanding was signed on SFOR support to OSCE during the election period. Essentially, SFOR will provide limited security for ballot warehouses and emergency back-up medical evacuation services. It will also support the monitoring of polling stations and regional counting centres. The official election campaign started on 2 August.

14. SFOR continues to provide assistance to the Office of the High Representative in the field of civil air traffic. As reported last month, Mostar airport opened to civil traffic on 7 July. With respect to Sarajevo airport, the revisions to the Memorandum of Understanding which will permit cargo operations and allow commercial aircraft to remain on the apron overnight are awaiting approval by the Council of Ministers. Civil operations into Tuzla airport are expected to begin in early September.

15. SFOR continues to play an active role in providing support to the efforts of the Office of the High Representative to establish joint institutions, particularly the Standing Committee on Military Matters. At its meeting on 13 August, the Standing Committee directed the Entity Governments to bring forward legislation to provide for a continuing amnesty with regard to weapons and munitions, and work continues on an expanded scheme for military helicopter flights across the Inter-Entity Boundary Line.

Outlook

16. Tension is expected to continue to rise in the run-up to the September elections. Acts of intimidation and violence towards displaced persons and refugees can also be expected to continue.

NOTES

[1] A/52/730/Add.3 and Corr.2.

[2] See also A/52/986, sect. III.D.

[3] A/52/799/Add.1.

[4] *Official Records of the General Assembly, Fifty-third Session, Supplement No. 3* (A/53/3), chap. VII, para 5, agreed conclusions 1998/1, para. 11.

Map No. 3691 Rev. 17 UNITED NATIONS
July 1998

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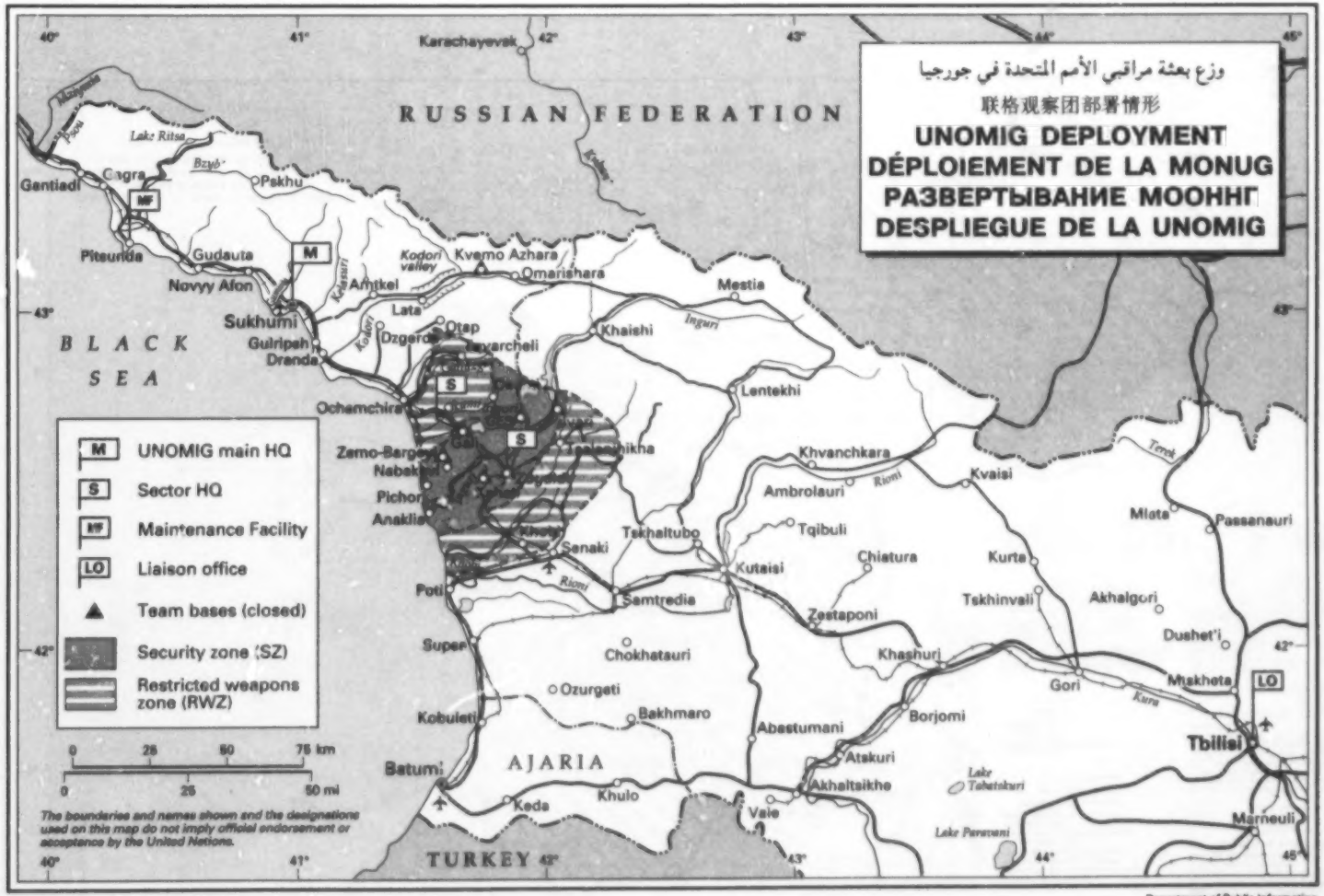

Map No. 3837 Rev. 17 UNITED NATIONS
July 1998

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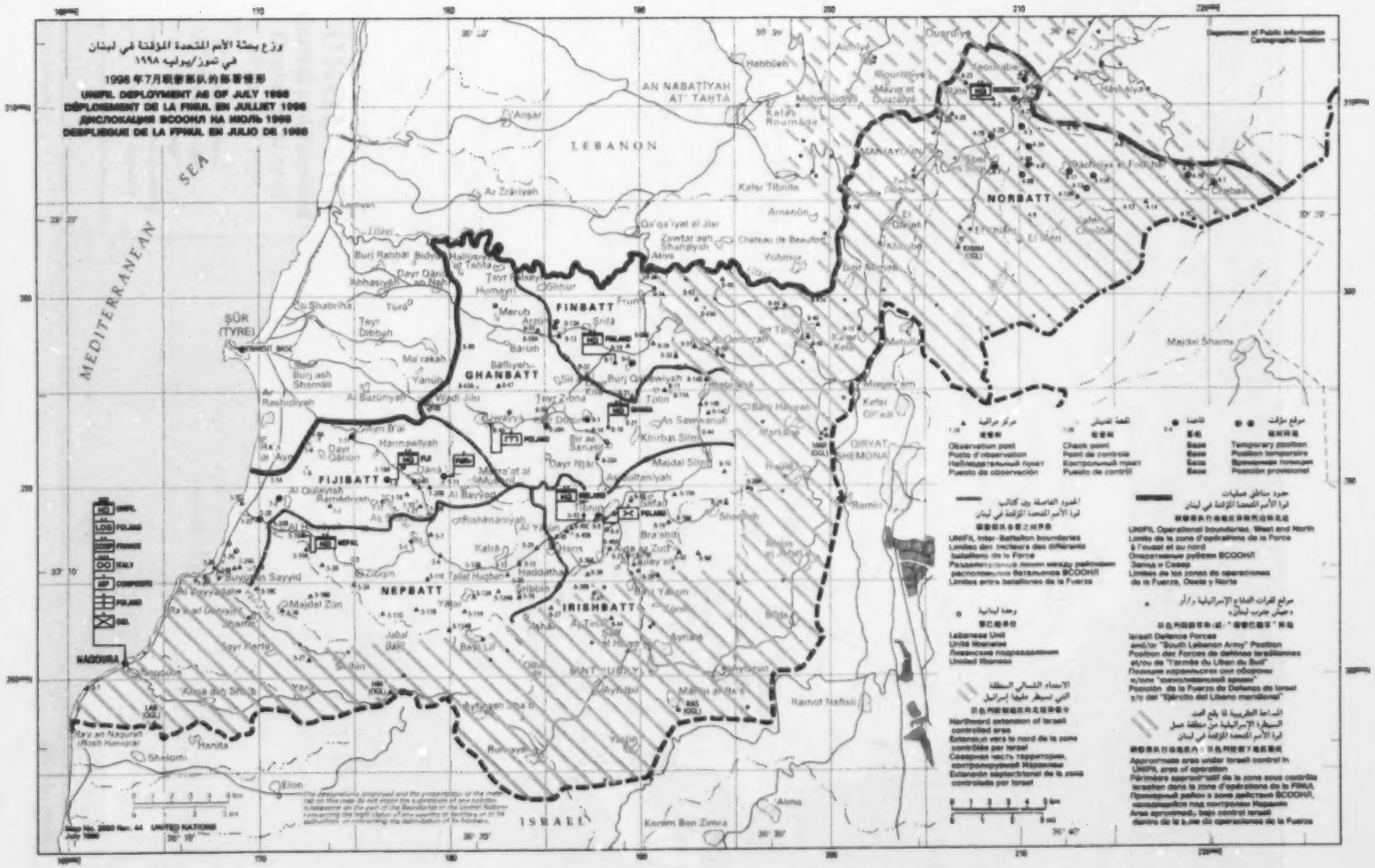
وزع بعثة الأمم المتحدة المؤقتة في لبنان
في تموز/يوليه ١٩٩٨
1998年7月联黎部队的部署情形
UNIFIL DEPLOYMENT AS OF JULY 1998
DÉPLOIEMENT DE LA FINUL EN JUILLET 1998
ДИСЛОКАЦИЯ ВСООНЛ НА ИЮЛЬ 1998
DESPLIEGUE DE LA FPNUL EN JULIO DE 1998
Department of Public Information
Cartographic Section
LEBANON
SEA
MEDITERRANEAN
ISRAEL
AN NABATIYAH AT TAHTA
SÛR (TYRE)
NAQOURA
NORBATT
FINBATT
GHANBATT
FIJIBATT
NEPBATT
IRISHBATT
MAJAYDUN
ORVAT SHEMONA
Maydal Shams
Ramot Naftali
Hanita
Elon
Korem Ben Zimra
Alma
UNIFIL
LOG
POLAND
FRANCE
ITALY
COMPOSITE
POLAND
GHA
UNTSO
UNIFIL Inter-Battalion boundaries
Limites des secteurs des différents bataillons de la Force
Разделительные линии между районами расположения батальонов ВСООНЛ
Límites entre batallones de la Fuerza
Lebanese Unit
Unité libanaise
Ливанское подразделение
United Nations
Northward extension of Israeli controlled area
Extension vers le nord de la zone contrôlée par Israël
Северная часть территории, контролируемой Израилем
Extensión septentrional de la zona controlada por Israel
UNIFIL Operational boundaries, West and North
Limite de la zone d'opérations de la Force à l'ouest et au nord
Ограничение района ВСООНЛ
Zona de operaciones de la Fuerza, Oeste y Norte
Limites de la zone de opérations de la Force, à l'ouest et au nord
Ограничение района ВСООНЛ
Zona de operaciones de la Fuerza, Oeste y Norte
Israeli Defence Forces and/or "South Lebanon Army" Position
Position des Forces de défense israéliennes et/ou de "l'armée du Liban du Sud"
Позиции израильских сил обороны и/или "южноливанской армии"
Posición de la Fuerza de Defensa de Israel y/o del "Ejército del Líbano meridional"
Approximate area under Israeli control in UNIFIL area of operation
Périmètre approximatif de la zone sous contrôle israélien dans la zone d'opérations de la FINUL
Приблизительный район к зоне действия ВСООНЛ, находящийся под контролем Израиля
Area aproximada, bajo control israelí dentro de la zona de operaciones de la Fuerza
Observation post
Poste d'observation
Наблюдательный пункт
Puesto de observación
Check point
Point de contrôle
Контрольный пункт
Puesto de control
Base
Temporary position
Position temporaire
Временная позиция
Puesto provisional
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Map No. 3200 Rev. 44 UNITED NATIONS
July 1998

Map No. 4065 UNITED NATIONS
August 1998

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وزع بعثة مراقبي الأمم المتحدة في طاجيكستان
اعتبارا من أيار/مايو ١٩٩٨
1998 年 8 月联塔观察团的部署情况
UNMOT DEPLOYMENT AS OF AUGUST 1998
DÉPLOIEMENT DE LA MONUT EN AOÛT 1998
РАЗМЕЩЕНИЕ МНООНТ НА АВГУСТ 1998
DESPLIEGUE DE LA UNMOT EN AGOSTO 1998
0 25 50 75 100 km
0 25 50 75 mi
UZBEKISTAN
KYRGYZSTAN
CHINA
AFGHANISTAN
PAKISTAN
LENINABAD
T A J I K I S T A N
KUHISTONI BADAKHSHON
(GORNIY BADAKSHAN)
K H A T L O N
HQ
Taboshar
Khujand
(Leninabad)
Chkalovsk
Kayrakkum
Reservoir
Kanibadam
Isfara
Uroteppe
Shahristan
Panjakent
Ayni
Zeravshan
Sangimalik
Navabad
Surkhob
Garm
Jirgatal'
Hoit
Ajikabad
Lake Karakul'
Rangkul'
Ragnau
Lakron
Obikhingou
Wakhio
Rumi
Childara
Tavildara
Kalaikhum
Kangurt
Vanj
Kudara
Murgab
Rushan
Kalot
Lake Sarezskoye
Bartang
Murgab
Dzhartyrabot
Vir
Khorugh
Shaymak
Kazidi
Vrang
Ishkashim
Yamg
Feyzabad
Dushanbe
Tursunzade
Shahrinau
Hisor
(Gissar)
Leninski
Kofarnikhon
Nurek
Nurek
Reservoir
Khovaling
Vakhsh
Yakhsu
Dangara
Kulob
(Kulyab)
Shuroabad
Kalininabad
Qurghonteppa
(Kurgan-Tyube)
Moskovskiy
Kolkhozabad
Kafirnigan
Kabodion
Nizhniy
Panj
Panj
Shaartuz
Pyanj
Amu Darya
Qezel Qala
Bandar
Khorog
(Tashkurghan)
Taloqan
Qunduz
Khanabad
Mazar-e
Sharif
Samangan
Baghlan
Syr Darya
Kokand
Andijan
Osh
Batken
Leninabad
Uzbekistan
Tajikistan
Kyrgyzstan
China
Afghanistan
Pakistan
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القيادة العامة للبعثة
联塔观察团总部
UNMOT headquarters
Quartier général de la MONUT
Штаб МНООНТ
Sede de la UNMOT
(مغلق) موقع الفريق
队址(封闭)
Team site (closed)
Antenne (fermée)
Equipo (cerrado)
Map No. 3687 Rev. 16 UNITED NATIONS
August 1998
Department of Public Information
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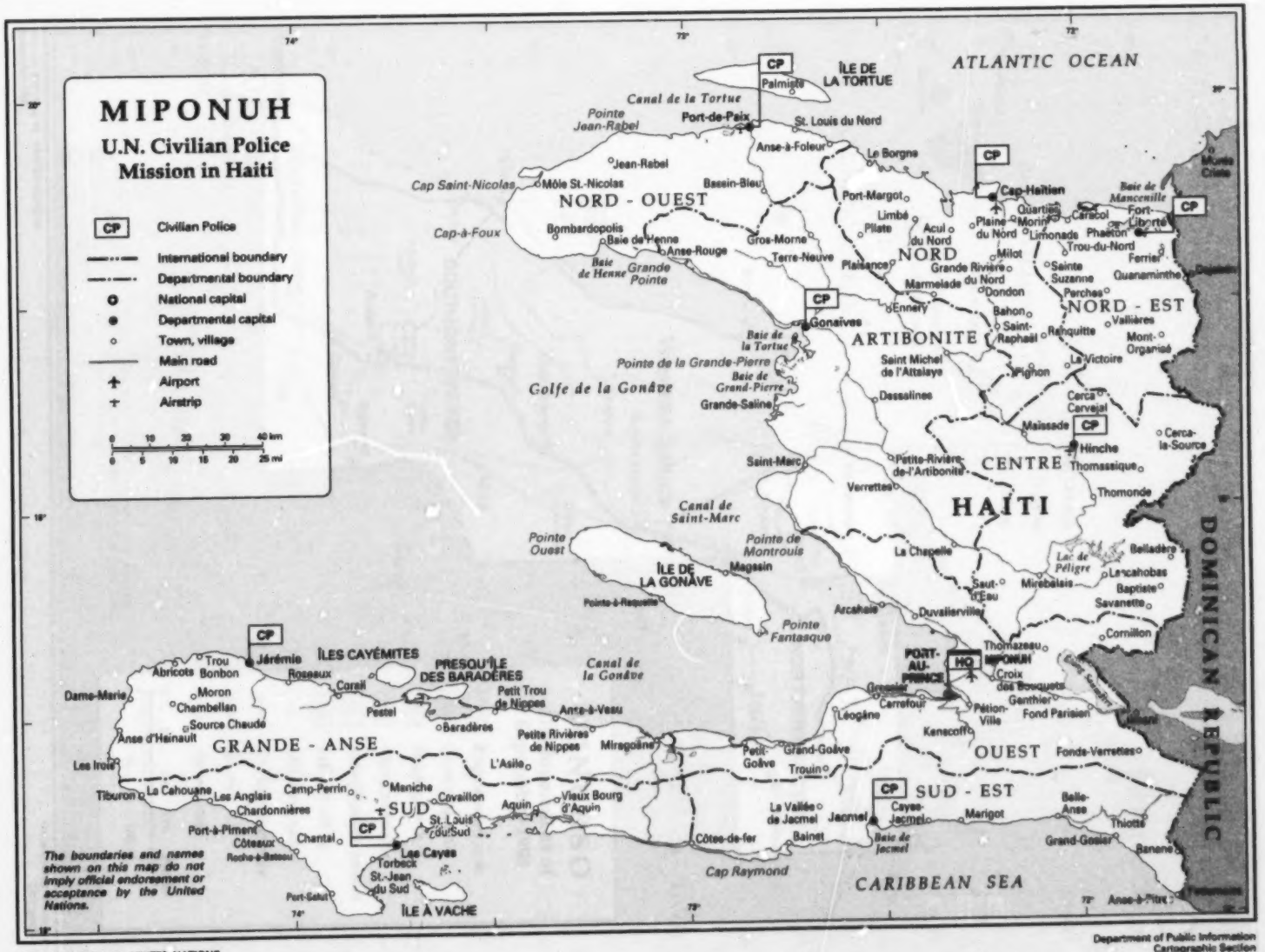

Map No. 4042 Rev. 2 UNITED NATIONS
August 1998

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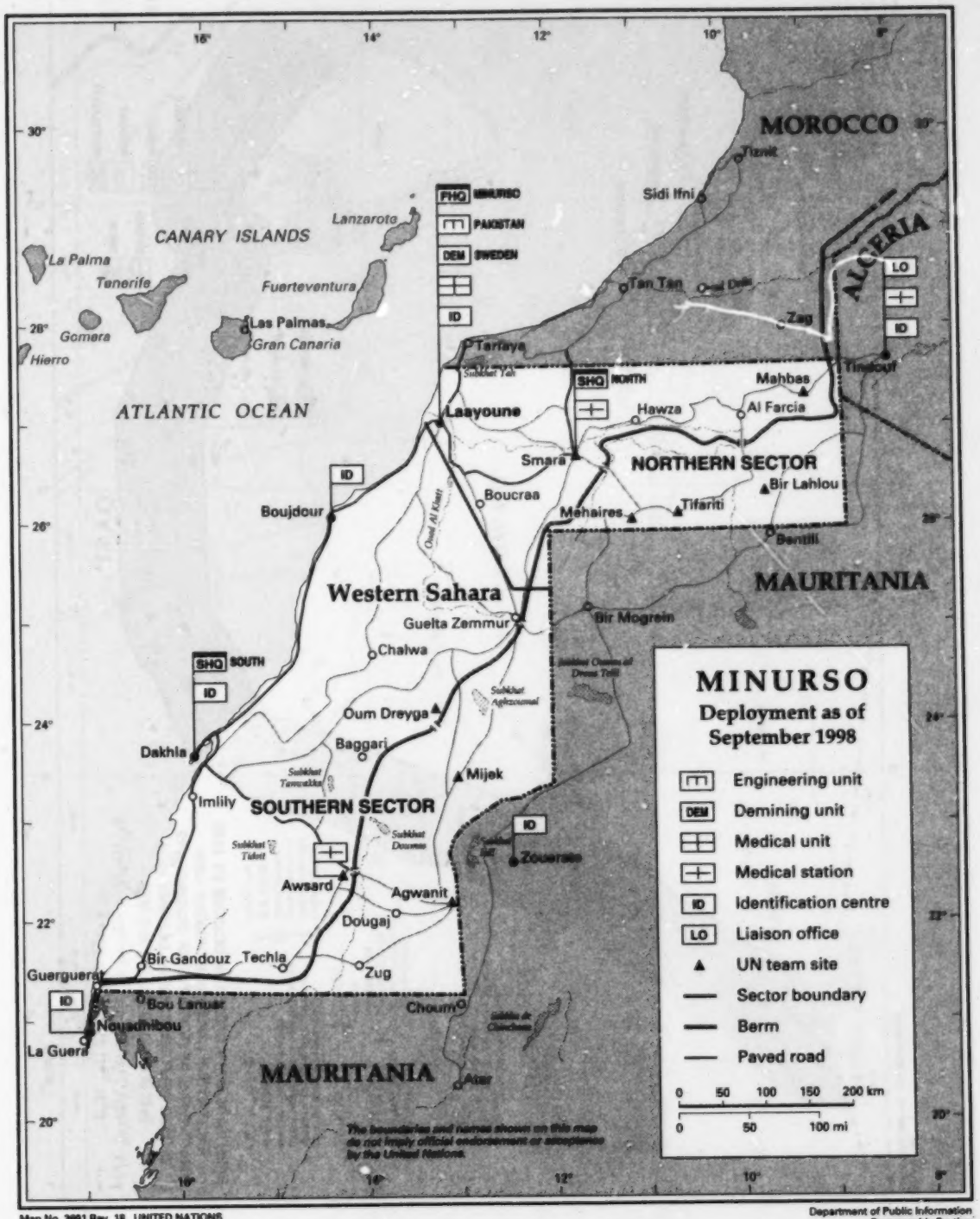

Map No. 3691 Rev. 18 UNITED NATIONS
September 1998

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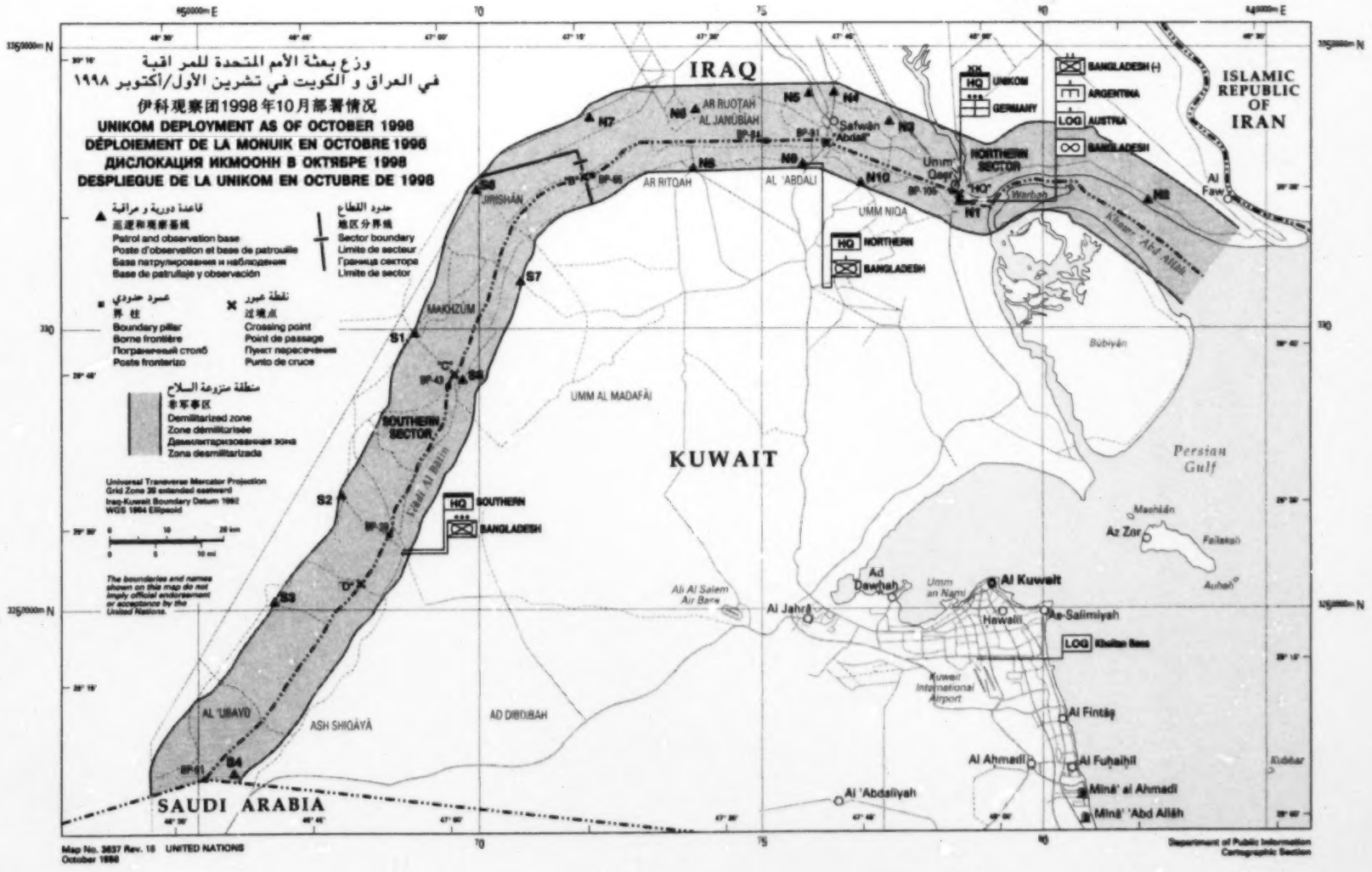
وزع بعثة الأمم المتحدة للمراقبة
في العراق و الكويت في تشرين الأول/أكتوبر ١٩٩٨
伊科观察团1998年10月部署情况
UNIKOM DEPLOYMENT AS OF OCTOBER 1998
DÉPLOIEMENT DE LA MONUIK EN OCTOBRE 1998
ДИСЛОКАЦИЯ ИКМООНН В ОКТЯБРЕ 1998
DESPLIEGUE DE LA UNIKOM EN OCTUBRE DE 1998
IRAQ
KUWAIT
SAUDI ARABIA
ISLAMIC REPUBLIC OF IRAN
Patrol and observation base
Sector boundary
Boundary pillar
Crossing point
Demilitarized zone
Universal Transverse Mercator Projection
Grid Zone 38 extended eastward
Iraq-Kuwait Boundary Datum 1992
WGS 1984 Ellipsoid
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NORTHERN SECTOR
SOUTHERN SECTOR
HQ UNIKOM
GERMANY
BANGLADESH (-)
ARGENTINA
AUSTRIA
BANGLADESH
HQ NORTHERN
BANGLADESH
HQ SOUTHERN
BANGLADESH
AR RUQTAH
AL JANUBIAH
AR RITQAH
AL 'ABDALI
UMM NIQA
JARISHAN
MAKHZUM
UMM AL MADAFAI
Safwan
Umm Qasr
Warbah
Khawr 'Abd Allah
Bubiyan
Persian Gulf
Mashkan
Az Zor
Failakah
Auhah
Ad Dawhah
Umm an Nami
Al Kuwait
Hawalli
As-Salimiyah
Khaitan Base
Ali Al Salem Air Base
Al Jahra
Kuwait International Airport
Al Fintas
Al Ahmadi
Al Fuhaihil
Mina' al Ahmadi
Mina' 'Abd Allah
Al 'Abdaliyah
Khiran
AL 'UBAYD
ASH SHIQAYA
AD DIBDIBAH
Al Faw
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October 1998
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